

## Department of Planning and Budget 2023 Fiscal Impact Statement

**1. Bill Number:** SB1291ER

<b>House of Origin</b>	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

**2. Patron:** Deeds

**3. Committee:** Passed both houses.

**4. Title:** Emergency response; false information by device; penalty.

**5. Summary:** The substitute bill provides that it is a Class 1 misdemeanor for any person to knowingly report, or cause another to report in reliance on intentionally false information provided by such person, a false emergency communication to any emergency personnel that results in an emergency response. The bill also provides that it is a Class 6 felony if such false emergency communication results in an emergency response during which and as a result of such emergency response any person suffers a serious bodily injury. This penalty is elevated to a Class 5 felony if any person is killed during such emergency response to a false emergency event. It further provides that a violation of the provision would constitute a separate and distinct offense. Emergency communication is defined as communication of any type to report a fire or to summon a firefighter, law-enforcement officer, or emergency medical services personnel, in a situation where human life, health, or property is reported to be in jeopardy and the prompt summoning of aid is essential. Emergency response means a response by a firefighter, law-enforcement officer, or emergency medical services personnel to a situation where human life, health, or property is in jeopardy and the prompt provision of aid is essential to protect human life, health, or property. Additionally, the bill amends § 15.2-1716.1 (reimbursement of expenses incurred in responding to terrorism hoax incidents, bomb threats, etc.) and authorizes any locality to provide by ordinance that a person convicted of such false emergency communication shall be liable for the reasonable expense of the emergency response. It also allows the Virginia State Police to be reimbursed for expenses.

**6. Budget Amendment Necessary:** Yes. Item 404.

**7. Fiscal Impact Estimates:** Final (see Item 8).

**8. Fiscal Implications:** According to VSP, there will be no significant fiscal impact on their operations as a result of the bill.

Because it creates two new felony offenses for which imprisonment is authorized, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. According to the Virginia Criminal Sentencing Commission (VCSC),

existing data are insufficient to estimate the number of new convictions likely to result from the proposal. Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to § 30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 2, 2022 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

Under the provisions of the substitute proposal, it is a Class 1 misdemeanor for any person to knowingly report, or cause another to report based on false information provided by such person, a false emergency communication that results in an emergency response. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both. There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$4.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail. It also funds a large portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2022), the estimated total state support for local jails averaged \$40.39 per inmate, per day in FY 2021.

- 9. Specific Agency or Political Subdivisions Affected:** Courts, Commonwealth's Attorneys, Public Defenders' Office, Department of Corrections, state and local law enforcement agencies, local and regional jails.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.