

Department of Planning and Budget 2023 Fiscal Impact Statement

1. **Bill Number:** SB1310ER

House of Origin Introduced Substitute Engrossed

Second House In Committee Substitute Enrolled

2. **Patron:** Deeds

3. **Committee:** Passed Both Houses

4. **Title:** Personal information of retired judges and magistrates

5. **Summary:** The bill amends § 18.2-186.4 (Use of a person's identity with the intent to coerce, intimidate, or harass; penalty) to establish that any person who violates this section knowing or having reason to know that person is a law-enforcement officer, as defined in § 9.1-101, or an active or retired federal or Virginia justice, judge, or magistrate is guilty of a Class 6 felony. The sentence shall include a mandatory minimum term of confinement of six months.

The bill also amends § 18.2-186.4:1 (Internet publication of personal information of certain public officials) to establish that the Commonwealth must not publish on the Internet the personal information of any active or retired federal or Virginia justice, judge, or magistrate who has made a demand in writing to the Commonwealth that the Commonwealth not publish such information. A written demand made pursuant to this subsection must be effective until such demand is rescinded in writing by such judge, justice, or magistrate.

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

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

8. **Fiscal Implications:** According to the Office of the Executive Secretary of the Supreme Court (“OES”), the bill is not expected to have a material fiscal impact on the resources of the court system.

For someone convicted of a Class 6 felony, a judge has the option of sentencing the offender to a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison. 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 misdemeanor or

otherwise local-responsible prisoner held in a jail and \$15.00 a day for each state-responsible prisoner. It also funds a considerable portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis 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.

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.

9. Specific Agency or Political Subdivisions Affected: Courts, Department of Corrections, local and regional jails

10. Technical Amendment Necessary: No

11. Other Comments: None