

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: SB835

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Surovell

3. Committee: Judiciary

4. Title: Prohibited sales and loans to juveniles; definition of sexual conduct.

5. Summary: Removes actual or explicitly simulated acts of homosexuality from the definition of “sexual conduct,” as it relates to prohibited sales and loans to juveniles.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

8. Fiscal Implications: The proposed legislation amends the definition of the term “sexual conduct” in the Code as it relates to crimes that prohibit the sale and loans of certain materials to juveniles. According to fiscal year 2021 and 2022 Sentencing Guidelines data from the Virginia Criminal Sentencing Commission, there were 49 sentencing events involving a felony offense under § 18.2-374.1 (possession, etc. of child pornography). This was the most serious offense in 37 cases. Of these, 89.2 percent received a state-responsible (prison) term, with a median sentence of five years. According to Circuit Court Case Management System (CMS) data for fiscal years 2017 through 2022, there were no convictions for felony offenses under § 40.1-100.2 (employment involving sexually explicit visual material prohibited).

There is no anticipated fiscal impact on state agencies as a result of the provisions of this bill.

9. Specific Agency or Political Subdivisions Affected: None.

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is a companion to HB2134.