

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB633ER

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

2. Patron: Cherry

3. Committee: Passed in both Houses.

4. Title: Labor trafficking; forced labor or service; penalties.

5. Summary: The proposal amends §§ 8.01-42.4 (civil action for trafficking), 18.2-47 (abduction and kidnapping), and 18.2-356 (receiving money for procuring a person) and expands the applicability of the existing criminal penalties related to forced labor or services.

6. Budget Amendment Necessary: Yes, Item 390.

7. Fiscal Impact Estimates: Final, see Item 8 below.

8. Fiscal Implications: The bill would make a person who, by force, intimidation, or deception, and without legal justification or excuse, obtains the labor or services of another person or threatens to do so, with the intent to subject him to forced labor or services, would be also deemed guilty of abduction under § 18.2-47 (B). The bill expands the definition of intimidation under § 18.2-47 (B) to include threatening to separate another from or to harm a family member.

Currently, it is a Class 5 felony for any person who, by force, intimidation, or deception, and without legal justification or excuse, seizes, takes, transports, detains or secretes another person with the intent to subject him to forced labor or services under § 18.2-47 (B).

According to the Virginia Sentencing Commission, current data sources do not contain sufficient detail to estimate the number of cases that will be affected by the proposal. However, individuals convicted of labor trafficking and forced labor or services may be sentenced similarly to those convicted under the § 18.2-47 (B) or 18.2-356, receiving money for procuring forced labor or services and § 18.2-513, the Virginia RICO Act.

By expanding existing felonies, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. Existing data do not provide sufficient detail to estimate the number of offenders who would be affected by the proposal; therefore, the magnitude of the impact on prison bed space needs cannot be determined.

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 1, 2023

Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

The bill may also increase local-responsible (jail) bed space needs. However, the magnitude of the impact cannot be determined. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$5.00 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 2023), the estimated total state support for local jails averaged \$45.76 per inmate, per day in FY 2022.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.