

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB926

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

2. Patron: Shin

3. Committee: Courts of Justice

4. Title: Unlawful dissemination or sale of images of another; penalty.

5. Summary: This bill increases the penalty for the offense of unlawful dissemination or sale of the image of another from a Class 1 misdemeanor to a Class 4 felony. The bill removes the requirement that a person must have the intent to coerce, harass, or intimidate another person to be guilty of such unlawful dissemination or sale. The bill also expands the current categories of images that are unlawful to disseminate or sell to include any videographic or still image that depicts another person who is in a state of undress so as not to expose the genitals, pubic area, buttocks, or female breast but such videographic or still image is sexual or sensual in nature. Finally, the bill extends from five years to 10 years the statute of limitations for the offense of unlawful creation of the image of another. The bill also creates a 10-year statute of limitations for the offense of unlawful dissemination or sale of the image of another. The bill starts the statute of limitations for both offenses at the time the victim discovers the offense has occurred. Current law starts the statute of limitations for the offense of unlawful creation of the image of another upon the commission of the offense.

6. Budget Amendment Necessary: Yes, Item 390.

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

8. Fiscal Implications: The proposal expands and increases the penalty for the offense of unlawful dissemination or sale of image of another from a Class 1 misdemeanor to a Class 4 felony. By expanding the applicability of the offense and increasing the penalty from a Class 1 misdemeanor to a Class 4 felony, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$1,607,459. The amount is based on the projection that the legislation will result in 30 additional offenders being incarcerated in prison. Similarly, the proposal may increase the local-responsible (jail) bed space needs as those who affected could serve longer periods in jail due to the proposal. The impact estimated to be at least three beds by FY2030 (state costs: \$45,090; local costs: \$70,725).

Additionally, 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:** Department of Corrections, state and local law enforcement agencies, Courts, Commonwealth's Attorneys, Office of the Public Defender, and regional and local jails.

- 10. Technical Amendment Necessary:** No.

- 11. Other Comments:** None.