

## Department of Planning and Budget 2024 Session Fiscal Impact Statement

**1. Bill Number:** SB731ER

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:** Durant

**3. Committee:** Passed both houses

**4. Title:** Production, publication, sale, financing, etc. of child pornography; penalty.

**5. Summary:** The bill amends the definition of "child pornography" to include material that depicts a minor in a state of nudity or engaged in sexual conduct, as those terms are defined in § 18.2-390, where such depiction is obscene as defined in § 18.2-372. The bill also provides that the minor depicted does not have to actually exist.

**6. Budget Amendment Necessary:** Yes, Item 390.

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

**8. Fiscal Implications:** By expanding the definition of child pornography, the proposal may result in additional felony convictions. However, existing databases do not provide sufficient detail to estimate the number of new felony convictions that may result from enactment of 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 1, 2023 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

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 \$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, local and regional jails, state and local law enforcement agencies, Courts, Commonwealth's Attorneys, Public Defenders.

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

**11. Other Comments:** None.