

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. **Bill Number:** HB1026

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Wilt

3. **Committee:** Courts of Justice

4. **Title:** Sex offenses prohibiting working on school property; penalty.

5. **Summary:** Adds certain offenses involving children, including kidnapping, trafficking, sex crimes, and prostitution and commercial sex crimes, to the list of offenses that would prohibit an adult if convicted of such offense from working or engaging in any volunteer activity on property he knows or has reason to know is a public or private elementary or secondary school or child day center. A violation of any such offense is a Class 6 felony.

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

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

8. **Fiscal Implications:** The proposed legislation expands the applicability of an existing Class 6 felony. 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 \$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.

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.

9. Specific Agency or Political Subdivisions Affected: State and local law enforcement agencies, Courts, Department of Corrections, Commonwealth's Attorneys, Public Defenders.

10. Technical Amendment Necessary: No.

11. Other Comments: None.