

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB1206

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

2. Patron: Scott, P.A.

3. Committee: Education

4. Title: Obscene materials; restrictions on purchase, distribution, exhibition, or loan; exceptions.

5. Summary: Modifies the exceptions to restrictions on the purchase, distribution, exhibition, or loan of obscene materials by providing that schools supported by public appropriation are not subject to the exceptions and limiting the exception applicable to libraries supported by public appropriation only to obscene material that is available exclusively in a section of the library to which access is restricted by age.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary, see item 8.

8. Fiscal Implications: This bill removes schools from exemptions to restrictions on the purchase, distribution, exhibition or loan of obscene materials, a Class 1 misdemeanor.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both.

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 localities \$5.00 a day for each misdemeanor or otherwise local-responsible prisoner held in a jail. It also funds a large 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: Local school divisions

10. Technical Amendment Necessary: No

11. Other Comments: None