

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

**1. Bill Number:** HB926ER

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

**2. Patron:** Shin

**3. Committee:** Passed in both Houses.

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

**5. Summary:** The bill provides that person who in a state of undress so as to expose the genitals, pubic area, buttocks, or female breast; or whose genitals, pubic area, buttocks, or female breast are not exposed but such videographic or still image is obscene as defined in § 18.2-372 where such person knows or has reason to know that he is not licensed or authorized to disseminate or sell such videographic or still image is guilty of a Class 1 misdemeanor.

Additionally, a prosecution for a misdemeanor for unlawful dissemination or sale of images of another be commenced within five years of the commission of the offense or within one year of the date the victim discovers the offense or, by the exercise of due diligence, reasonably should have discovered the offense, whichever is later.

**6. Budget Amendment Necessary:** No

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

**8. Fiscal Implications:** 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. However, there is not enough information available to reliably estimate the increase in jail population as a result of this proposal.

Any increase in jail population will increase costs to the state. The Commonwealth currently pays localities \$5.00 a day for each misdemeanant 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:** State and local law enforcement agencies, Courts, and regional and local jails.

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

**11. Other Comments:** None.