

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB39

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

2. Patron: Ware

3. Committee: Committee Referral Pending

4. Title: Sex offenders; contributing to the delinquency of a minor, penalty.

5. Summary: The proposed legislation amends § 18.2-371 to create a new felony for those who engage in consensual sexual acts with a minor while required to register with the Sex Offender and Crimes Against Minors Registry. The proposed legislation provides that any person 18 years of age or older who is required to register as a sex offender to engage in consensual sexual intercourse or anal intercourse with, or perform cunnilingus, fellatio, or anilingus upon or by a child 15 or older who is not his spouse, child, or grandchild will be guilty of Class 6 felony.

6. Budget Amendment Necessary: Yes, Item 390

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

8. Fiscal Implications: Virginia State Police (VSP) oversees the Sex Offender and Crimes Against Minors Registry. The agency does not anticipate a fiscal impact as a result of this proposed legislation.

According to the Virginia Criminal Sentencing Commission, existing data sources do not contain sufficient detail to estimate the number of additional Class 6 felony convictions for engaging in consensual sexual acts with a minor while required to register as a sex offender. 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: Courts, local and state law enforcement agencies, Public Defender's Offices, Commonwealth's Attorneys, and Department of Corrections.

10. Technical Amendment Necessary: No.

11. Other Comments: None.