## Department of Planning and Budget 2025 General Assembly Session State Fiscal Impact Statement

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Bill Number: HB2429 Patron: Oates

Bill Title: Stalking; penalty.

**Bill Summary:** Clarifies that the term "electronically transmitted communication" as used in the offense of stalking includes the use or monitoring of location services through an application or a device to remotely determine or track the position and movement of another person, regardless if such person has previously given consent for the accused to use or monitor such location services. The bill contains technical amendments.

**Budget Amendment Necessary:** Yes **Items Impacted:** Item 390

**Explanation:** See below

**Fiscal Summary:** Proposal requires minimum "Woodrum" impact funding per § 30-19.1:4, Code of Virginia, to account for a possible increase in the need for state prison beds due to this legislation.

## **General Fund Expenditure Impact:**

<u>Agency</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Dept. of Corrections		\$50,000				
TOTAL		\$50,000				

## **Fiscal Analysis:**

This proposal clarifies the definition of "electronically transmitted communication" and applies the provisions even if consent has been given. The proposal may result in additional Class 6 felony convictions for second or subsequent stalking offenses. Anyone convicted of a Class 6 felony is subject 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 misdemeanant 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 2024), the estimated total state support for local jails averaged \$56.38 per inmate, per day in FY 2023.

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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 2, 2024 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

Other: None