

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

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ORIGINAL

Bill Number: HB2224

Patron: Cherry

Bill Title: Sex Offender and Crimes Against Minors Registry; offenses requiring registration; purchase or sale of minors; penalty.

Bill Summary: Adds the crime of purchasing or selling of minors to the list of offenses requiring registration in the Sex Offender and Crimes Against Minors Registry.

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: The proposal amends § 9.1-902 to require additional persons to register with the state’s Sex Offender and Crimes against Minors Registry. The proposal would add the crime of purchasing or selling of minors under § 18.2-356.1 (a Class 5 felony) to the list of offenses requiring registration. This crime would be categorized as a Tier I offense for Registry purposes. Under § 18.2-472.1, the first Sex Offender Registry violation committed by an individual who is not categorized as a Tier III sex offender is punishable as a Class 1 misdemeanor; a second or subsequent Registry violation by such an individual is a 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. 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. Given these penalties, this proposal could result in an increase in the number of individuals in jail and 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

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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.

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.

Virginia State Police does not anticipate a fiscal impact associated with the agency's administration of the Sex Offender and Crimes Against Minors Registry.

Other: None