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

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#### ORIGINAL

Bill Number:	HB2763	Patron:	Earley
Bill Title:	Prostitution; solicitation; penalties.		

**Bill Summary:** Increases from a Class 1 misdemeanor to a Class 6 felony the penalty for a third or subsequent offense of solicitation of prostitution from an adult. The bill also makes it a Class 5 felony to solicit prostitution from any minor. Under current law, any person who solicits prostitution from a minor is guilty of a Class 6 felony if the minor is 16 years of age or older or a Class 5 felony if the minor is younger than 16 years of age. Finally, the bill increases the fees for certain offenses related to sex trafficking from \$100 to \$1,000 and from \$500 to \$2,500, respectively.

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:**

Agency	FY2025	FY2026	FY2027	FY2028	FY2029	<u>FY2030</u>
Dept. of		\$50,000				
Corrections		\$30,000				
TOTAL		\$50,000				

### **Fiscal Analysis:**

Anyone convicted of a Class 6 misdemeanor 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. Anyone convicted of a Class 5 felony is subject to a term of imprisonment of not less than one year nor more than 10 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 less than one year nor more than 10 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'

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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.

The amount of additional revenue generated from the increase in fees for certain offenses related to sex trafficking is indeterminate. Any additional revenue would be deposited to the Virginia Prevention of Sex Trafficking Fund.

Other: None