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

Bill Number: SB1053-E2   **Patron:**   Ebbin
Bill Title: Synthetic digital content; penalty; work group.

Bill Summary: Expands the applicability of provisions related to defamation, slander, and libel to include synthetic digital content, defined in the bill. The bill makes it a Class 1 misdemeanor for any person to use any synthetic digital content for the purpose of committing any criminal offense involving fraud, constituting a separate and distinct offense with punishment separate and apart from any punishment received for the commission of the primary criminal offense. The bill also authorizes the individual depicted in the synthetic digital content to bring a civil action against the person who violates such prohibition to recover actual damages, reasonable attorney fees, and such other relief as the court determines to be appropriate. The bill directs the Attorney General to convene a work group to study and make recommendations on the current enforcement of laws related to the use of synthetic digital content, including deepfakes, and any further action needed to address the issue of such use in fraudulent acts. The bill contains a reenactment clause.

Budget Amendment Necessary: Yes   **Items Impacted:**   Item 1
Explanation: The budget amendment would pay for compensation and expenses for General Assembly members serving as members of the work group established in the bill.

Fiscal Summary: It is estimated that the Clerks of the House of Delegates and the Senate of Virginia will require $2,668 for General Assembly member compensation and expenses to participate in the work group established by the bill. The Office of the Attorney General and Department of Law, the Virginia State Police, and the Virginia Information Technologies Agency all indicate that this bill presents no fiscal impact to these agencies.

General Fund Expenditure Impact:

Agency	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030
Virginia General Assembly	$0	$2,668	$0	$0	$0	$0
TOTAL	**$0**	**$2,668**	**$0**	**$0**	**$0**	**$0**

Fiscal Analysis:

Agency Impact

The second enactment clause of the bill directs the creation of a work group led by the Attorney General, which also includes one member of the Senate and one member of the House of Delegates who are members of the Joint Commission on Technology and Science and who shall be selected by the Chair of the Joint Commission on Technology and Science. Based on an assumption of two meetings before November 1, 2025, it assumed that the Clerks of the House of Delegates and the Senate of Virginia would require $1,200 for compensation and $1,468 for travel expenses.

The Office of the Attorney General and Department of Law, the Virginia State Police, and the Virginia Information Technologies Agency all indicate that this bill presents no fiscal impact to these agencies.

Criminal Penalty Impact

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.

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 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 2024), the estimated total state support for local jails averaged $56.38 per inmate, per day in FY 2023.

Other: The introduced version of this bill was identical to HB2124, as introduced.