

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

PUBLISHED: 2/6/2025 9:58 AM

ORIGINAL

Bill Number: HB2310E

Patron: Davis

Bill Title: Use of communications system to expose sexual or genital parts to a child; penalty.

Bill Summary: Creates a Class 1 misdemeanor for any person 18 years of age or older who uses a communications system, including computers or computer networks or bulletin boards, or any other electronic means, with lascivious intent, to expose his sexual or genital parts to any person he knows or has reason to know is a child to whom he is not legally married and such child is 15 years of age or older. Under current law, it is a Class 5 felony for any person 18 years of age or older to use such communications system for the purposes of soliciting, with lascivious intent, any person he knows or has reason to believe is a child younger than 15 years of age to knowingly and intentionally commit certain sexual activities, including exposing his sexual or genital parts to any child to whom he is not legally married or proposing that any such child expose his sexual or genital parts to such person. It is also a Class 5 felony under current law for any person to commit such acts with any child he knows or has reason to believe is at least 15 years of age but younger than 18 years of age if such person is at least seven years older than the child. This bill is a recommendation of the Virginia Criminal Justice Conference.

Budget Amendment Necessary: No.

Items Impacted: N/A

Explanation: N/A

Fiscal Summary: There is an indeterminate amount of possible civil penalty revenue to the Literary Fund.

Fiscal Analysis: 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. Proceeds of all fines and penalties collected for offenses committed against the Commonwealth are paid into the state treasury to the credit of the Literary Fund.

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 misdemeanor 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: None.