

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: HB629

Patron: Callsen

Bill Title: Certain sex offenses; sexual extortion; unlawful creation of image of another; penalties.

Bill Summary: Provides that any person who, with the intent to cause the complaining witness to engage in certain sexual acts, maliciously (i) threatens in writing, including electronically, (a) to disseminate, sell, or publish a videographic or still image, created by any means whatsoever, or (b) to not delete, remove, or take back a previously disseminated, sold, or published videographic or still image, created by any means whatsoever, that depicts the complaining witness or such complaining witness's family or household member, as defined in relevant law, as totally nude or in a state of undress so as to expose the genitals, pubic area, buttocks, or female breast or (ii) threatens eviction, loss of housing, property damage, or any financial loss, but such complaining witness does not thereby engage in such sexual acts is guilty of attempted sexual extortion and shall be punished as prescribed by relevant law. The bill also adds to the existing offense of unlawfully creating an image of another a prohibition on any person knowingly and intentionally creating any videographic or still image by any means whatsoever of any nonconsenting person if that person is not exposed to show the genitals, pubic area, buttocks, or female breast but such videographic or still image is obscene, as defined in relevant law, when such nonconsenting person is in a restroom, dressing room, locker room, hotel room, motel room, tanning bed, tanning booth, bedroom, or other location. A violation of such prohibition is a Class 1 misdemeanor unless such nonconsenting person is younger than the age of 18, in which case it is elevated to a Class 6 felony.

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>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	<u>FY2031</u>
Dept. of Corrections		\$50,000				
TOTAL		\$50,000				

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Fiscal Analysis:

This proposal expands the applicability of the Class 4, 5, and 6 felonies in § 18.2-26. It also expands the applicability of a class 1 misdemeanor. Anyone convicted of a Class 4 felony is subject to a term of imprisonment of not less than two years nor more than 10 years and a fine of not more than \$100,000. 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 more than \$2,500, either or both. 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. 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. 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 misdemeanor 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 2025), the estimated total state support for local jails averaged \$58.25 per inmate, per day in FY 2024.

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 725, 2025 Acts of Assembly, requires that a minimum impact of \$50,000 be assigned to the bill.

Other: None