

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: SB571

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Ebbin

3. Committee: Courts of Justice

4. Title: Synthetic media; penalty.

5. Summary: Expands the applicability of provisions related to defamation, slander, and libel to include synthetic media, defined in the bill. The bill makes it a Class 1 misdemeanor for any person to generate, create, or use or cause to be generated, created, or used any deceptive audio or visual media, defined in the bill, for the purpose of committing a criminal offense involving fraud. The bill creates a rebuttable presumption that such deceptive audio or visual media was generated or created for the purpose of committing such criminal offense if such deceptive audio or visual media is subsequently used as part of a plan or course of conduct to commit such criminal offense. The bill also authorizes the individual depicted in the deceptive audio or visual media 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 deceptive audio or visual media, including deepfakes, and any further action needed to address the issue of such use in fraudulent acts.

6. Budget Amendment Necessary: Preliminary. Yes, Item 1

7. Fiscal Impact Estimates: Preliminary. See Item 8.

8. Fiscal Implications: The Office of the Attorney General and Department of Law indicates this bill presents no fiscal impact.

The provisions of this bill create a work group with two legislative members. The compensation for these members totals \$1,200 and the travel expenses totals \$1,240 assuming two meetings of the work group, which is typical of a work group of this nature, and should be paid by the Clerk of the House of Delegates and the Clerk of the Senate of Virginia.

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 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 2023), the estimated total state support for local jails averaged \$45.76 per inmate, per day in FY 2022.

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.

9. Specific Agency or Political Subdivisions Affected: Office of the Attorney General and Department of Law, House of Delegates, Senate of Virginia, Chief Information Officer of the Commonwealth

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 2/2/2024