

Department of Planning and Budget 2003 Fiscal Impact Statement

1. Bill Number: SB1139

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

2. Patron: Stolle

3. Committee: Passed both houses

4. Title: Computer crimes

5. Summary/Purpose:

Current law defines and establishes penalties for the offenses of computer fraud, computer trespass, theft of computer services, and personal trespass by computer. Generally, these offenses are Class 1 misdemeanors, or Class 6 felonies if the value of services fraudulently obtained or damages caused is above a certain amount. The proposed bill would set out a separate statute for unsolicited bulk electronic mail ("spam"), violation of which would be a Class 1 misdemeanor. The bill also would increase the penalties for several of the other computer offenses, as follows:

- Computer trespass — From Class 3 misdemeanor to Class 1 misdemeanor.
- Theft of computer services — Currently a Class 1 misdemeanor, would increase to Class 6 felony if the value of the services stolen were \$2,500 or more.
- Personal trespass by computer — For non-malicious acts, would increase from Class 1 misdemeanor to Class 6 felony.

Finally, the bill would make the use of a computer in connection with the publication, promotion, and advertising of obscene items and exhibitions a separate and distinct Class 1 misdemeanor. A second or subsequent offense within a ten-year period would be a Class 6 felony. The penalties imposed would be in addition to those imposed for violation of the obscenity statutes.

6. Fiscal Impact: Final. See Item No. 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

The proposed bill could result in additional inmates in local jails or state correctional facilities. However, due to the lack of data, the Virginia Criminal Sentencing Commission has determined, pursuant to § 30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bedspace cannot be determined.

9. **Specific agency or political subdivisions affected:** Department of Corrections, local jails

10. **Technical amendment necessary:**

Lines 102, 105, 106, and 108 —References are made to “UBE.” This term is not defined. Presumably, it refers to unsolicited bulk electronic mail, but it should be defined explicitly, especially because it is used in provisions setting out criminal penalties.

11. **Other comments:** Same as HB2290.

Date: 03/13/03/rwh

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cc: Secretary of Public Safety