



# HOUSE COMMITTEE ON APPROPRIATIONS

2009-10 Legislative Session

## FISCAL NOTE

HOUSE BILL: 511

PRINTER'S NO: 563

PRIME SPONSOR: Cutler

FISCAL IMPACT SUMMARY	FY 2009/10	FY 2010/11
<b>Expenditure Increase/(Decrease):</b>		
General Fund	*See Analysis	*See Analysis

### OVERVIEW:

House Bill 511 amends Title 3 (Agriculture) and Title 18 (Crimes and Offenses) providing for the new crime of agricultural bio-security area trespasser which would be classified as a misdemeanor of the first degree.

In Title 3, definitions for “agricultural bio-security area” and “posted notice” are provided. This bill also authorizes the Department of Agriculture to require the establishment of an agricultural bio-security area.

In Title 18, this bill further provides for offenses against property by adding the crime of releasing a dangerous transmissible disease or hazardous substance. A new crime of “agricultural bio-security trespasser” is an offense if a person does any of the following:

- Enters an agricultural bio-security area unless the owner or other authorized person expressly authorizes entry or entry is authorized by law.
- Enters an agricultural bio-security area without performing the measures for bio-security that by posted notice are directed to be performed for entry to the area, knowing that he or she is not licensed or privileged to do so.
- Knowingly or recklessly enters an agricultural bio-security area without performing the measures for bio-security that by posted notice are directed to be performed for entry into the area.

The crime of “agricultural bio-security trespasser” shall constitute a first degree misdemeanor.

This act shall take effect immediately.

### ANALYSIS:

Since House Bill 511 creates a new crime, the number of individuals who may commit this offense and the fiscal impact on the criminal justice system within the Commonwealth is not quantifiable at this time. A misdemeanor of the first degree is punishable by up to five years of incarceration and/or a fine up to \$10,000.

The average cost in 2010 for incarcerating an offender in a state correctional institution is almost \$35,000 per year (including health care). According to the Board of Probation and Parole, in 2010 the average cost for state parole supervision is \$3,000 per year.

The average cost in 2010 for incarceration in a county jail is approximately \$50 per day or \$18,250 per year. The average cost for supervising a county adult offender in 2010 is \$800 per year.

While this legislation is expected to have minimal fiscal impact, if considered in conjunction with other legislation that increases the grading of penalties or creates new penalties, the impact to state and/or local governments may be substantial.

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**General Note and Disclaimer:** *This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*