



## Impact Analysis on Proposed Legislation

*Virginia Criminal Sentencing Commission*

### House Bill No. 1576

**Amendment in the Nature of a Substitute**  
*(Patron Prior to Substitute – Parrish)*

**Date Submitted:** 2/10/03

**LD #:** 03-0677880

**Topic:** Filing fraudulent corporate tax return

#### **Proposed Change:**

This proposal amends § 58.1-452 to increase the penalty for filing a fraudulent corporate tax return from a Class 1 misdemeanor to a Class 6 felony. Under §58.1-452 it is unlawful for an officer of any corporation to make a fraudulent return or statement with intent to evade the payment of taxes.

#### **Current Practice:**

According to fiscal year (FY) 2000 and FY2001 Local Inmate Data System (LIDS) data, there were no convictions for violations of §58.1-452 in these two years of data.

Misdemeanor convictions are not covered by the sentencing guidelines as the primary (most serious) offense but may augment the guidelines recommendation if a covered offense is the most serious at conviction.

#### **Impact of Proposed Legislation:**

The proposed legislation raises the penalty for an existing crime. Although the impact on state (prison) and local-responsible (jail) bed space cannot be determined, the expectation is that it will be negligible. No adjustment to the sentencing guidelines would be necessary under the proposal.

**Pursuant to §30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**