

Department of Planning and Budget 2003 Fiscal Impact Statement

1. Bill Number HB1683

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

2. Patron McDougle

3. Committee Passed both houses

4. Title Offenses against two or more statutes

5. Summary/Purpose:

Under current law, if an act is an offense under both a state statute and a federal statute, prosecution under the federal statute acts as a bar to prosecution under the state statute. Prosecution under the federal statute is defined as beginning with the return of a grand jury indictment or the filing of an information by a United States attorney. The proposed bill would change the beginning of the federal prosecution to "once jeopardy has attached." The effect would be that a federal prosecution would not act as a bar to state prosecution until the accused was either actually acquitted or convicted in federal court.

6. Fiscal Impact: Final. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

By delaying the implementation of the bar against prosecuting under a state statute a person who is also subject to prosecution under federal statute for the same act, the proposed bill could result in additional offenders housed in 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) bed space cannot be determined.

9. Specific agency or political subdivisions affected: Department of Corrections

10. Technical amendment necessary: None.

11. Other comments: None.

Date: 03/07/03/rwh

Document: G:\LEGIS\Fis-03\HB1683er.DOC Dick Hall - Sizemore

cc: Secretary of Public Safety