

Department of Planning and Budget 2003 Fiscal Impact Statement

1. Bill Number HB2061

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

2. Patron Dudley

3. Committee Passed both houses

4. Title Identity theft

5. Summary/Purpose:

Under current law, it is a Class 1 misdemeanor to use the identifying documents or information of another person to avoid summons, arrest, or prosecution, or to impede a criminal investigation. If the offense results in a financial loss of more than \$200, it is a Class 6 felony. Also, a second or subsequent violation, as well as any violation that results in the detention or arrest of the victim of the identity theft, is a Class 6 felony. The proposed legislation would explicitly prohibit the use of the identifying information of dead persons, as well as that of live ones. Itsin

6. Fiscal Impact: Final. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 5 years in prison. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison. ris

There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanorant or otherwise local responsible prisoner held in a jail. It also funds most 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, the estimated total state support for local jails is averaged \$31.86 per inmate, per day in FY2001.

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. However, it is expected that the impact will be negligible.

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

10. Technical amendment necessary: None.

11. Other comments:

HB2175 also amends the Code section amended in HB2061. The amendments in HB2061 are much more extensive and strike the passage that HB2061 would amend. However, HB2175 also proposes new language that would be identical to the amended language in HB2061.

Date: 03/11/03/rwh

Document: G:\LEGIS\Fis-03\Hb2061er.DOC Dick Hall - Sizemore
cc: Secretary of Public Safety