

Department of Planning and Budget 2004 Fiscal Impact Statement

1. Bill Number HB 632

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 O'Bannon

3. Committee Passed Both Houses

4. Title Unlawful procurement of prescription drugs for others

5. Summary/Purpose:

Under current law, it is unlawful to procure prescription drugs by fraud, misrepresentation, or forgery. However, there is no prohibition against assisting others, for compensation, in filling a properly obtained prescription.

The proposed legislation would make it a Class 1 misdemeanor for anyone, for compensation, to assist another in unlawfully procuring prescription drugs from a pharmacy not licensed, registered, or permitted by the appropriate authority of the Commonwealth, any other state or U.S. territory, or the United States. A second or subsequent conviction would be a Class 6 felony.

6. Fiscal Impact Estimates are: Final. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. 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. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

According to the Virginia Criminal Sentencing Commission, there is not enough information available to reliably estimate how many additional inmates in jail or prison 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 misdemeanant or otherwise local responsible prisoner held in a jail, \$8.00 a day for each state responsible inmate held for sixty days or less, and \$14.00 a day for each state responsible inmate held for more than sixty days. 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 averaged \$29.80 per inmate, per day in FY 2002.

9. Specific agency or political subdivisions affected:

Department of Corrections
Local and regional jails

10. Technical amendment necessary: None.

11. Other comments: None.

Date: 03/22/04 rwh

Document: G:\LEGIS\Fis-04\Hb632er.Doc Dick Hall-Sizemore

cc: Secretary of Finance

Secretary of Public Safety