



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 730

#### *Amendment in the Nature of a Substitute*

#### *(Patron Prior to Substitute – McQuigg)*

LD#: 06-9259412

Date: 3/10/2006

Topic: Creation of a mutual consent adoption registry

#### Fiscal Impact Summary:

- **State Adult Correctional Facilities:**  
Cannot be determined
- **Local Adult Correctional Facilities:**  
Cannot be determined
- **Adult Community Corrections Programs:**  
Cannot be determined

- **Juvenile Correctional Centers:**  
None (\$0)
- **Juvenile Detention Facilities:**  
None (\$0)

#### Summary of Proposed Legislation:

The proposal adds §§ 63.2-1249 through 63.2-1254 relating to the creation of a mutual consent adoption registry by the Department of Social Services. Under the proposal, birth parents, adoptees, and birth siblings who wish to have identifying information released to each other may register with the Registry. The registration form shall include information about the registrant, the reason the registrant is seeking information, the child placement agency that placed the adoptee, the court that issued the adoption order, and a statement of consent to be identified to other registrants. Any false statement in the registration form, if such statement is knowingly or willfully made, shall be grounds for prosecution of perjury, a Class 5 felony under § 18.2-434.

#### Analysis:

According to fiscal year (FY) 2002 and FY2003 Pre/Post-Sentence Investigation (PSI) data, there were 88 cases involving convictions for perjury under § 18.2-434. Of the 88 cases, 40% were sentenced to no active incarceration; 49% were sentenced to a local-responsible (jail) term with a median sentence of 4 months; and the remaining 11% were sentenced to a state-responsible (prison) term with a median sentence of nearly 2 years (22.5 months).

#### Impact of Proposed Legislation:

**State adult correctional facilities.** Because the proposal expands the applicability of an existing felony, the proposed legislation may increase the state-responsible (prison) bed space needs of the Commonwealth. However, the magnitude of that impact cannot be quantified.

**Local adult correctional facilities.** The proposal may increase the local-responsible (jail) bed space needs, but the magnitude of that impact cannot be quantified.

**Adult community corrections programs.** The proposal may have an impact on adult community corrections programs, but the magnitude of that impact cannot be quantified.

**Virginia's sentencing guidelines.** Offenses under § 18.2-434 are covered by the sentencing guidelines as the primary (or most serious) offense in a sentencing event. However, no adjustment to the guidelines is necessary under the proposal.

**Juvenile correctional centers.** According to the Department of Juvenile Justice (DJJ), the proposal is not expected to increase juvenile correctional center (JCC) bed space needs.

**Juvenile detention facilities.** The Department of Juvenile Justice reports that the proposal is not expected to increase the bed space needs of juvenile detention facilities.

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**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.**

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