



## Fiscal Impact Statement for Proposed Legislation

### *Virginia Criminal Sentencing Commission*

#### Senate Bill No. 345

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

LD#: 06-2485782

Date: 3/2/2006

Topic: False identification cards

#### 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 amends § 18.2-204.2 to increase certain penalties relating to false identification cards. Currently, it is a Class 2 misdemeanor to possess a false identification card and a Class 1 misdemeanor to manufacture, advertise for sale, sell or reproduce such a card. The proposal will make it a Class 1 misdemeanor to possess, manufacture, sell, offer or advertise for sale, transfer or reproduce a false identification card, but if the intent is to use the card to serve as evidence of legal presence in the United States, then the penalty increases to a Class 6 felony.

#### Analysis:

Based on fiscal years (FY) 2003 and 2004 Local Inmate Data System (LIDS) data, there were 101 persons held pre- or post-trial and convicted under § 18.2-204.2. About a third (36%) were convicted of manufacture, advertise for sale, sell or reproduce false identification with a median local-responsible (jail) sentence of one month. The remaining 64% were convicted of possessing false identification with a median jail sentence of 10 days.

Available data does not provide information on the intended purpose for the false identification card.

#### Impact of Proposed Legislation:

**State adult correctional facilities.** Because the proposal increases the penalty of certain violations of § 18.2-204.2 to a Class 6 felony, there may be an increased need for state-responsible (prison) bed space; however, the magnitude cannot be determined.

**Local adult correctional facilities.** The proposal may also have an impact on local-responsible (jail) bed space needs. There are, however, two sources of change, and they are at least partially offsetting. First, where the penalty for possessing false identification is increased to a Class 1 misdemeanor, there should be an increased need for jail beds. Second, where the penalty for any violation of § 18.2-204.2

is increased to a Class 6 felony, there may be a shift from jail to prison beds, thereby reducing the need for jail bed space. Database limitations are such that neither the size nor the direction of the change can be quantified.

**Adult community corrections programs.** The proposal may affect adult community corrections programs, but the impact cannot be quantified.

**Virginia's sentencing guidelines.** Convictions under § 18.2-204.2 are not covered by Virginia's sentencing guidelines but may augment the recommendation if the most serious offense at conviction is a covered offense. No adjustment to the sentencing guidelines would be necessary under the proposal.

**Juvenile correctional centers.** According to the Department of Juvenile Justice (DJJ) the proposal will not have an impact on juvenile correctional centers (JCC) bed space needs.

**Juvenile detention facilities.** The Department of Juvenile Justice reports that the proposal will not have an impact on juvenile detention facilities bed space needs.

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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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