

Department of Planning and Budget

2006 Fiscal Impact Statement

1. Bill Number SB460

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

2. Patron Devolites Davis

3. Committee Passed both houses

4. Title Identity theft; penalties

5. Summary/Purpose:

Current law defines certain actions as identify theft and imposed criminal penalties for anyone convicted of the offenses. A first violation is a Class 1 misdemeanor, except, if the violation resulted in a financial loss of \$200 or more to the victim, the offense would be a Class 6 felony. A second or subsequent offense would also be a Class 6 felony.

The proposed legislation would make it a Class 6 felony to obtain, in the same transaction, five or more persons' identifying information, without the authorization of those persons and with the intent to sell such information to another person. If the identifying information of 50 or more persons was obtained without their authorization and with the intent to sell such information, the offense would be a Class 5 felony.

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

7. Budget amendment necessary: Yes. Item 387.

8. Fiscal implications:

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$63,684 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in three additional inmates being incarcerated in prison.

The Senate included an appropriation in its budget amendments for the bed space impact of this bill.

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

10. Technical amendment necessary:

Because the Code requires that an appropriation accompany any legislation that is projected to result in an increase in prison population, the following enactment clause should

be added to the bill: “That this act, for which general fund dollars are required, shall not take effect unless a specific appropriation, as set out in the second enactment, has been included in a general appropriation act taking effect July 1, 2006 and that has been passed by the General Assembly and signed by the Governor.”

11. Other comments:

HB 1141 contains the same provisions as this bill. However, the new language is placed in the existing Code section a little differently in the two bills.

Date: 03/28/06 / rwh

Document: G:\LEGIS\Fis-06\SB460ER.DOC Dick Hall-Sizemore