

## Department of Planning and Budget 2008 Fiscal Impact Statement

**1. Bill Number:** HB218

House of Origin	<input type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input checked="" type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

**2. Patron:** Kilgore

**3. Committee:** Courts of Justice

**4. Title:** **Notaries public; clarifies provisions relating to adoption of electronic notarization, etc.**

**5. Summary:** Clarifies provisions relating to the adoption of electronic notarization and transitioning to the required seal application on notarized documents. The bill also clarifies the validity of documents notarized within and without the Commonwealth, and when documents are conclusively presumed to be in proper form following recordation. The bill removes the requirement that a notary must be recommended by a public official for appointment. The Senate substitute of the bill establishes penalties for willful misconduct.

**6. Fiscal Impact:** See line 8.

**7. Budget Amendment Necessary:** No.

**8. Fiscal Implications:** In general, the bill does not present any fiscal impact. However, the Senate substitute of the bill establishes penalties for willful misconduct and states that persons who knowingly and willfully misrepresent themselves on an application for commission as a notary will be guilty of a Class 1 misdemeanor. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. 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 misdemeanant 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's most recent Jail Cost Report (November 2007), the estimated total state support for local jails averaged \$28.42 per inmate, per day in FY 2006.

**9. Specific Agency or Political Subdivisions Affected:** Secretary of the Commonwealth.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** This bill is similar to SB 621.

**Date:** 2/15/2008 wfb

**Document:** G:\BOS Stuff\2008 Session\2008 Legislation\HB218S1.Doc

**cc:** Secretary of the Commonwealth