



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 644

#### Amendment in the Nature of a Substitute

#### (Patron Prior to Substitute – Hogan)

LD#: 08-1487536

Date: 2/1/2008

Topic: Materially false statements by tobacco manufacturer or importer

#### 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 § 3.1-336.8:1 to require certain reports from tobacco manufacturers and importers. If the manufacturer or importer intentionally provides materially false statements in those reports, violation is punishable as a Class 6 felony. Each applicable return containing one or more false statements shall constitute a separate offense.

The proposal also requires the Attorney General to compile data on cigarette shipments from applicable returns.

#### Analysis:

As a new crime, there are no data available regarding violations under § 3.1-336.8:1.

#### Impact of Proposed Legislation:

**State adult correctional facilities.** By creating a new felony, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, the magnitude of the impact cannot be determined.

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

**Adult community corrections programs.** The proposal may increase the need for state community corrections resources, but the magnitude of the impact cannot be estimated.

**Virginia's sentencing guidelines.** The guidelines do not cover violations defined in Title 3.1 as a primary (or most serious) offense. A conviction, however, could augment the guidelines

recommendation if the most serious offense at sentencing is a covered offense. No adjustment to the guidelines would be necessary under the proposal.

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

**Juvenile detention facilities.** According to the Department of Juvenile Justice (DJJ), the proposal will not affect juvenile detention facility 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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