

Department of Planning and Budget

2009 Fiscal Impact Statement

1. Bill Number SB 1301

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

2. Patron Hurt

3. Committee Passed both houses

4. Title Identify theft

5. Summary/Purpose:

Current law prohibits the use, without authorization or permission, of another person's identifying information to obtain a number of listed items or types of information. A violation resulting in a loss of \$200 or less would be a Class 1 misdemeanor. A violation resulting in a loss greater than \$200 would be a Class 6 felony. Any second or subsequent violation would be a Class 6 felony, as well. In circumstances involving the use of multiple persons' identifying information in the same transaction, the violations would be a Class 5 or Class 6 felony.

The proposed legislation would expand the current law to include prohibiting the obtaining of money, credit and loans by using another person's identifying information without his authorization or permission.

6. Fiscal Impact estimate: Final. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 5 years in prison. A Class 5 felony has a possible sentence of up to 12 months in jail or 1 to 10 years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

According to the Virginia Criminal Sentencing Commission, not enough information is 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 misdemeanor or otherwise local responsible prisoner held in a jail. It also funds the majority of the jails' operating costs, e.g. correctional officers. The state's share of these costs varies from locality to locality.

According to the Compensation Board's most recent Jail Cost Report (November 2008), the estimated total state support for local jails averaged \$28.77 per inmate, per day in FY 2007.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined.

9. Specific agency or political subdivisions affected:

Department of Corrections
Local and regional jails
Compensation Board

10. Technical amendment necessary: None.

11. Other comments: Identical to HB 2402, which has been enrolled.

Date: {3/12/2009} rwh

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