



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 603

(Patron – Smith)

LD#: 10104031

Date: 1/14/2010

Topic: Conflict of interest violations by legislators

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
None (\$0)
- **Local Adult Correctional Facilities:**
None (\$0)
- **Adult Community Corrections Programs:**
None (\$0)

- **Juvenile Correctional Centers:**
None (\$0)
- **Juvenile Detention Facilities:**
None (\$0)

Summary of Proposed Legislation:

The proposal amends § 30-123 regarding the General Assembly Conflicts of Interests Act. Currently, it is a Class 1 misdemeanor to violate any of the provisions of §§ 30-102 through 30-111 regarding: prohibited conduct, contact or contracts by legislators, the sale, lease or exchange of property between a legislator and a governmental agency, conduct concerning personal interest in a transaction defined by § 30-108 and referred to the Attorney General, and disclosure forms. Under the proposal, the penalty is increased to a Class 6 felony when a legislator knowingly violates any of the prohibited conduct provisions defined by § 30-103 and the value is in excess of \$250. Otherwise, the violation remains a Class 1 misdemeanor.

Analysis:

According to the Circuit and General District Court Automated Information Systems (CAIS) for fiscal years 2004 through 2009, there were no convictions for violations of § 30-123 or §§ 30-102 through 30-111 during this time period.

Impact of Proposed Legislation:

State adult correctional facilities. The proposal is unlikely to increase the future state-responsible (prison) bed space needs of the Commonwealth. Available data indicate that there have been no convictions under the existing Class 1 misdemeanor provision during the most recent six fiscal years. Therefore, it is unlikely that the proposal will generate new felony convictions resulting in additional commitments to prison over the next six years (the window specified by § 30-19.1:4 for legislative impact statements).

Local adult correctional facilities. Similarly, the proposal is unlikely to increase local-responsible (jail) bed space needs.

Adult community corrections programs. The proposal is not expected to affect state community corrections resources.

Virginia's sentencing guidelines. Convictions under § 30-123 and related statutes are not covered by the sentencing guidelines as the primary (most serious) offense. Such a conviction, however, could augment the guidelines recommendation if the most serious offense at sentencing is covered by the guidelines. No adjustment to the guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice, the proposal is not expected to increase juvenile correctional center bed space needs.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal is not expected to increase the bed space needs of juvenile detention facilities.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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