

## Department of Planning and Budget 2011 Fiscal Impact Statement

**1. Bill Number: HB 1777**

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

**2. Patron: Gilbert**

**3. Committee: Passed both houses**

**4. Title: Fictitious birth certificates**

**5. Summary:**

Under current law, it is a Class 1 misdemeanor to obtain, possess, sell, or transfer the birth certificate of another for the purpose of establishing a false identity for himself, except when such act is conducted for the purpose of purchasing a firearm, in which case it is a Class 6 felony.

The proposed legislation would continue the Class 1 misdemeanor penalty for anyone convicted of obtaining or possessing the birth certificate of another or a fictitious birth certificate for the purpose of establishing a false identity. However, it would make it a Class 6 felony to manufacture, sell, or transfer a fictitious birth certificate or the birth certificate of another for the purpose of establishing a false identity for himself or for another person.

**6. Budget Amendment Necessary:** No. The final budget bill adopted by the General Assembly includes an amendment for \$50,000 for the appropriation required by § 30-19.1:4 of the Code of Virginia.

**7. Fiscal Impact Estimates:** Final. See Item 8.

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2012	\$50,000	General

**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. Therefore, because it increases an offense

from a Class 1 misdemeanor to a Class 6 felony, this proposal could result in an increase in the number of persons sentenced to prison.

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. In such cases, Chapter 874 of the 2010 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to the bill.

**9. Specific Agency or Political Subdivisions Affected:** Department of Corrections

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** None.

**Date:** 2/28/2011

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