

**Department of Planning and Budget  
2012 Fiscal Impact Statement**

**1. Bill Number: HB 987**

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

**2. Patron: Loupassi**

**3. Committee: House Courts of Justice**

**4. Title:** Financial exploitation of the elderly or incapacitated

**5. Summary:**

The proposed legislation would make it a Class 5 felony to knowingly, by deception, intimidation, harassment, or misrepresentation, obtain an elderly or incapacitated person's money or other assets with the intent to deprive that person of the use or benefit of his money or other assets. If the offense were to be committed by a caregiver or a person in a position of trust, it would be a Class 3 felony.

**6. Budget Amendment Necessary:** No. The introduced budget bill includes an appropriation to provide the funding for the fiscal impact of this legislation.

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

**Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2013	\$50,000	General
2014	\$0	
2015	\$0	
2016	\$0	
2017	\$0	
2018	\$0	

**8. Fiscal Implications:**

A person convicted of a Class 5 felony is subject to a penalty of up to 12 months in jail or 1 to 10 years in prison. For a Class 3 felony, the possible sentence is 5 to 20 years in prison. Therefore, the proposed legislation could result in additional persons being committed 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 890 of the 2011 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:** Identical to SB 431.

**Date:** 1/27/2012

**Document:** G:\LEGIS\fis-12\hb987.doc Dick Hall-Sizemore