

Department of Planning and Budget 2012 Fiscal Impact Statement

1. Bill Number: SB 159

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

2. Patron: Obenshain

3. Committee: Passed both houses

4. Title: Repeat drug dealers

5. Summary:

Under current law, a person convicted a second time of the manufacture or distribution of a Schedule I or II drug is subject to a sentence of imprisonment for five years to life. A third conviction is subject to a sentence of imprisonment for five years to life also, but with a five-year mandatory minimum sentence.

The proposed legislation would establish a three-year mandatory minimum sentence for a second conviction of the manufacture or distribution of a Schedule I or II drug and a ten-year mandatory minimum sentence for a third conviction.

6. Budget Amendment Necessary: See Item 8.

7. Fiscal Impact Estimates: Final.

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2013	\$5,512,531	General
2014	\$0	General
2015	\$0	General
2016	\$0	General
2017	\$0	General
2018	\$0	General

8. Fiscal Implications:

By establishing a new mandatory minimum sentence and increasing an existing one, the proposed legislation could result in additional persons being housed in state prisons.

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$5,512,531 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in 199 additional inmates being incarcerated in prison.

The Governor's introduced budget for the 2012-2014 biennium (HB 30) included \$11,726,915 for the fiscal impact of this legislation. The budget as originally approved by the House maintained this funding, and the budget recommendations made by the Senate Finance Committee maintained \$5,512,531 for the fiscal impact of the version of the bill passed by the Senate. The newly introduced House Bill 1301, as passed by the House, includes the funding originally requested by the Governor for the fiscal impact of this bill.

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

10. Technical Amendment Necessary: None.

11. Other Comments: Identical to HB 968.

Date: 3/12/2012

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