

Department of Planning and Budget 2013 Fiscal Impact Statement

1. Bill Number: HB1421

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

2. Patron: Pogge

3. Committee: Rules

4. Title: Convention to amend the United States Constitution; delegates.

5. Summary: Provides for the selection by the General Assembly of delegates, alternate delegates, and observers to attend a convention called for by the states to amend the United States Constitution and grants the General Assembly the power to recall delegates, alternate delegates, and observers and appoint new delegates, alternate delegates, and observers. The bill provides that delegates must take an oath to adhere to the instructions of the General Assembly and a delegate who violates his oath is guilty of a Class 6 felony.

6. Budget Amendment Necessary: Yes. Item 389

7. Fiscal Impact Estimates: Indeterminate. See Item 8

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2014	\$50,000	0	GF

8. Fiscal Implications: This legislation would allow for the General Assembly to appoint delegates, alternate delegates, and observers to represent the Commonwealth at a convention to amend the United State Constitution. The legislation indicates that delegates and alternates will be compensated for performance of their duties (\$200 per day, estimated \$75 for expenses). However, the legislation is unclear on the number of delegates and alternates.

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, this proposal could result in an increase in the number of persons sentenced to jail or prison.

There is not enough information 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 presently pays the localities \$4.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail and \$12.00 a day for each state responsible inmate. It also funds a considerable portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail

Cost Report (November 2012), the estimated total state support for local jails averaged \$26.54 per inmate, per day in FY 2011.

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 3 of the 2012 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected: Virginia General Assembly, Department of Corrections, Compensation Board, Local and regional jails

10. Technical Amendment Necessary: n/a

11. Other Comments: none

Date: 1/18/13

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