

## Department of Planning and Budget 2013 Fiscal Impact Statement

1. **Bill Number:** HB 1455

<b>House of Origin</b>	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. **Patron:** Watts

3. **Committee:** Courts of Justice

4. **Title:** Financial exploitation of elderly and incapacitated adults

5. **Summary:** The bill provides that any person who knowingly exploits the impaired mental capacity or the physical capacity of an incapacitated adult or an adult (defined for the purposes of the bill as 60 years old or older) by deception, intimidation, undue influence, coercion, harassment, duress, or misrepresentation to use, obtain, convert, or take control of or endeavor to use, obtain, convert, or take control of the incapacitated adult's or adult's money, assets, property, or financial resources with the intent to deprive the incapacitated adult or adult of the use, benefit, or possession of the money, assets, property, or financial resources and to convert such money, assets, property, or financial resources to the perpetrator's own use or benefit is guilty of a Class 5 felony. However, any responsible person or a person who has a fiduciary relationship with the incapacitated adult or adult who commits such a violation is guilty of a Class 3 felony. It is not a defense that the accused did not know the age of the victim.

6. **Budget Amendment Necessary:** Yes. Item 389.

7. **Fiscal Impact Estimates:** Final.

**Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2013	0	0	-
2014	\$50,000	0	GF
2015	0	0	-
2016	0	0	-
2017	0	0	-
2018	0	0	-
2019	0	0	-

8. **Fiscal Implications:** This bill provides that anyone guilty of financial exploitation of an incapacitated adult is guilty of either a Class 3 or Class 5 felony. For someone convicted of a Class 5 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 10 years in prison. For a Class 3 felony, the penalty is a sentence of 5 to 20 years in prison. Therefore, this bill 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:** Department of Corrections and local jails.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.

**Date:** 1/10/13

**Document:** G:\GA Sessions\2013 Session\HB1455.docx