

## Department of Planning and Budget 2014 Fiscal Impact Statement

**1. Bill Number: HB 469**

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

**2. Patron: Yost**

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

**4. Title:** Financial exploitation of incapacitated persons

**5. Summary:**

Under current law, a person who knows or should know that another person is mentally incapacitated and through the use of the victim's mental incapacity deprives the victim of money or other things of value would be guilty of a Class 1 misdemeanor if the value of the money or property were less than \$200 is a Class 1 misdemeanor. If the value of the money or property were \$200 or more, the offense would be grand larceny, which is punishable by up to 20 years in prison. In addition, there are enhanced penalties for subsequent larceny convictions. For the second misdemeanor conviction, the penalty is 30 days to 12 months in jail; for a third or subsequent conviction, the offense is a Class 6 felony.

The proposed legislation would expand the offense to prohibit the financial exploitation of persons suffering from physical disability or social isolation.

**6. Budget Amendment Necessary:** Preliminary. See Item 385.

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

**Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2015	\$50,000	General
2016	\$0	
2017	\$0	
2018	\$0	
2019	\$0	
2020	\$0	

## **8. Fiscal Implications:**

By expanding the applicability of the current statute, the proposed legislation could result in more persons being convicted of a Class 1 misdemeanor or Class 6 felony. 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, 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 misdemeanant 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 2013), the estimated total state support for local jails averaged \$30.06 per inmate, per day in FY 2012.

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 806 of the 2013 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  
Local and regional jails.

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

## **11. Other Comments:** None.

**Date:** 1/24/2014

**Document:** G:\LEGIS\fis-14\hb469.docx Dick Hall-Sizemore