

Department of Planning and Budget 2015 Fiscal Impact Statement

1. **Bill Number:** SB1231-ER

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

2. **Patron:** Reeves

3. **Committee:** Passed Both Houses

4. **Title:** Cigarettes; possession with intent to distribute contraband; fraudulent purchase; penalties.

5. **Summary:** Lowers the felony threshold for possession with intent to distribute tax-paid cigarettes from 500 cartons to 200 cartons and creates a criminal offense (Class 1 misdemeanor for first offense and a Class 6 felony for a second or subsequent offense) and civil penalties for purchasing 25 cartons of cigarettes or fewer using a forged business license or a forged or invalid Virginia sales and use tax exemption certificate, or a Virginia sales and use tax exemption certificate obtained under false pretenses.

6. **Budget Amendment Necessary:** Yes. Item 385.

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

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2015	\$0		
2016	\$50,000		General
2017	\$0		
2018	\$0		
2018	\$0		
2020	\$0		
2021	\$0		

8. **Fiscal Implications:** According to the Virginia Criminal Sentencing Commission the fiscal impact resulting from the bill cannot be determined for state correctional facilities, local adult correctional facilities, adult community corrections programs, juvenile correctional centers or juvenile detention centers. However, by lowering the thresholds the proposal may increase future state-responsible bed space needs (e.g., increase the need for prison beds). As such, the Commission is required under §30-19.1:4 and Chapter 2 of the 2014 Acts of Assembly, Special Session I to identify a minimum fiscal impact of \$50,000.

Although insufficient data exists to determine the fiscal impact due to this bill, the Commission also states that the bill could result in an increase in the jail population. Ultimately, the presiding judge will decide if there is to be any time served in jail; however,

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 prisoner. It also funds a significant 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 FY2013 Jail Cost Report (November 1, 2014), the estimated total state support for local and regional jails averaged \$30.54 per state inmate, per day in FY 2013.

9. Specific Agency or Political Subdivisions Affected: Compensation Board, Department of Corrections, local and regional jails.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

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