

Department of Planning and Budget 2017 Fiscal Impact Statement

1. Bill Number: HB 1809

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

2. Patron: Bell, John J.

3. Committee: House Courts of Justice

4. Title: RICO statutes

5. Summary:

Currently, racketeering activity is defined as committing, attempting or conspiring to commit, or soliciting, coercing or intimidating another to commit two or more of the following offenses: murder, voluntary manslaughter, selected assaults, kidnapping, crimes by gangs, shooting offenses, terrorism, obstruction of justice, violations of the Waste Management Act, injuries caused by prisoners, robbery, certain arsons, burglary, grand larceny, embezzlement, several fraud offenses, money laundering, specific drug offenses, paramilitary activity, perjury, bribery, transmitting illegal money, medical assistance fraud, dog fighting, certain cigarette tax violations, and commercial sex trafficking.

Any person or enterprise convicted of racketeering is guilty of a felony that is punishable by imprisonment for not less than 5 years nor more than 40 years and a fine of not more than \$1 million. A second or subsequent offense is punishable as a Class 2 felony (20 years to life in prison) and a fine of not more than \$2 million. The transmission of money derived from, or traceable to, racketeering activity is punishable as a Class 6 felony (1-5 years).

The proposed legislation would expand the Commonwealth's racketeering statute to include various violations of the Computer Crimes Act, such as using a computer to commit fraud, causing a computer to malfunction, computer invasion of privacy, and using a computer to gather identifying information by deception.

6. Budget Amendment Necessary: Yes. Item 394. The Governor's introduced budget includes funding for the fiscal impact of this legislation.

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

Expenditure Impact:

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

2019	\$0	
2020	\$0	
2021	\$0	
2022	\$0	

8. Fiscal Implications:

Because it expands the coverage of current felony statutes, the proposed legislation could result in additional persons being sentenced to prison terms.

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 780 of the 2016 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

10. Technical Amendment Necessary: None.

11. Other Comments: Identical to SB 1378.

Date: 1/23/2017