

## Department of Planning and Budget

### 2018 Fiscal Impact Statement

1. **Bill Number:** HB1149

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

2. **Patron:** Wilt

3. **Committee:** Transportation

4. **Title:** Credential cards without a photograph; issuance by the Department of Motor Vehicles; penalties

5. **Summary:** This bill requires the Department of Motor Vehicles to issue a credential card to a person who would otherwise meet the qualifications for a special identification card but also presents an approved and signed IRS Form 4029 or an affidavit affirming that he has a sincerely held religious belief against the taking of a portrait photograph. The bill directs that a credential card be of a similar size, shape, and design to a driver's license but not include a photograph of its holder and that it state that the card does not authorize the person to whom it is issued to drive a motor vehicle, vote, or receive federal benefits. A Class 2 misdemeanor is provided for anyone providing false information associated with the credential card, while a Class 4 felony penalty is provided if anyone uses the card to commit a felony.

6. **Budget Amendment Necessary:** Yes, Item 439 and Item 391.

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

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2018	-	-	-
2019	\$350,000	-	Motor Vehicle Special Fund
2019	\$50,000	-	General Fund
2020	-	-	-

8. **Fiscal Implications:** The Department of Motor Vehicles (DMV) contacted its credential vendor, Canadian Bank Note (CBN), for an estimate on producing a credential as described in the bill. CBN noted that it would cost approximately \$350,000 and require six months lead time to design and produce a credential without a photo. DMV anticipates that demand for this credential will be low and, as such, DMV will likely never issue enough credentials to recover the credential production costs. Considering DMV's current budgetary concerns, DMV is not able to absorb the impact of the bill without additional resources or cutting other services.

A person convicted of a Class 2 misdemeanor is subject to a sentence of up to six months in jail. For a Class 4 felony, the sentence range is 2 to 10 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. 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 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 2017), the estimated total state support for local jails averaged \$34.58 per inmate, per day in FY 2016.

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 836 of the 2017 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 Motor Vehicles, Department of Corrections.

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

**11. Other Comments:** None.

**Date:** 1/22/2018

**Document:** Janet Vogelgesang G:\18-20\FIS 2018\HB1149.docx

cc: Secretary of Transportation