

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: SB1374

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: DeSteph

3. Committee: General Laws and Technology

4. Title: Condominium Act; penalties.

5. Summary: Provides that any person who willfully violates any provision of the Condominium Act is guilty of a misdemeanor the penalty for which, for each such violation, is (i) a fine of not less than \$1,000 or double the amount of gain from the transaction, whichever is greater, but not more than \$50,000; (ii) a jail sentence of not more than six months; or (iii) the penalties in both clauses (i) and (ii). Under current law, this penalty is applicable to certain provisions of the Act, including failure to comply with filing and registration requirements, public offering statements, and escrow of deposits.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: It is anticipated that this bill will not result in a fiscal impact to the Department of Professional and Occupational Regulation.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. 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 misdemeanant or otherwise local responsible prisoner held in a jail. It also funds a large 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 2018), the estimated total state support for local jails averaged \$33.83 per inmate, per day in FY 2017.

9. Specific Agency or Political Subdivisions Affected: Department of Professional and Occupational Regulation; court system.

10. Technical Amendment Necessary: No.

11. Other Comments: None.