



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1178 (Patron – Lingamfelter)

LD#: 08-1531600

Date: 1/7/2008

Topic: Facsimile of signature defined as forgery

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
Cannot be determined
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Correctional Centers:**
Cannot be determined, likely negligible
- **Juvenile Detention Facilities:**
Cannot be determined, likely negligible

Summary of Proposed Legislation:

The proposal amends § 18.2-172 to expand the crime of forgery. Under the proposal, affixing a facsimile or likeness of another person's signature on a document to create the false impression that the document was signed by that person would be defined as forgery. Forgery is punishable as a Class 5 felony.

Analysis:

According to fiscal year (FY) 2006 and FY2007 Sentencing Guidelines (SG) data, there were 1,258 cases involving a conviction for forgery under § 18.2-172. For these offenders, this crime was the most serious charge at conviction. Most offenders were sentenced to some period of incarceration. Nearly 31% were given a state-responsible (prison) term, for which the median sentence was 1.7 years. Another 31% were given a local-responsible (jail) term with a median sentence of six months. The remaining offenders, 38%, were sentenced to probation with no active incarceration term to serve.

Impact of Proposed Legislation:

State adult correctional facilities. Because it expands the applicability of an existing Class 5 felony, the proposal could increase the need for state-responsible (prison) beds. The number of additional felony convictions that may result from the proposal, however, cannot be determined.

Local adult correctional facilities. The proposal could also increase the need for local-responsible (jail) beds. The magnitude of the impact cannot be determined.

Adult community corrections resources. By expanding the applicability of an existing felony, the demand for local community-based and state community corrections programs may increase. The impact on local and state community corrections resources cannot be quantified.

Virginia's sentencing guidelines. Convictions under § 18.2-172 are covered by the sentencing guidelines. No adjustment to the guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), the impact on bed space needs of juvenile correctional centers (JCC) cannot be determined but is likely to be negligible.

Juvenile detention facilities. The Department of Juvenile Justice reports that the impact on the bed space needs of juvenile detention facilities cannot be determined but is likely to be negligible.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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