Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1362

(Patron – Cline)

LD#: 08-0417806 **Date:** 12/17/2007

Topic: Embezzlement of public assets

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:** None ($0)
- **Juvenile Detention Facilities:** None ($0)

Summary of Proposed Legislation:

The proposal broadens § 18.2-112 relating to embezzlement by officers of public funds. Currently, this provision addresses public and other funds in the custody of an officer, agent or employee of the Commonwealth, any county or city, or any other political subdivision. The proposal expands this provision beyond funds "in the custody" of the officer, agent or employee to include any funds over which the officer, agent or employee has control. The proposal also expands this provision to include any public assets, not just monetary funds. The proposal defines "public assets" as including, but not limited to, accounts, documents, resources, equipment, records, materials, vouchers, property, personnel resources, services, money, or anything of value belonging or owed to the Commonwealth, any county or city, or any other political subdivision. Violation of § 18.2-112 would remain a Class 4 felony under the proposal.

Analysis:

According to the fiscal year (FY) 2006 and FY2007 Pre/Post-Sentence Investigation (PSI) database, seven offenders were sentenced under the existing § 18.2-112 during this two-year period. Three of these offenders were sentenced to probation without an active term of incarceration, three were given local-responsible (jail) terms, and one received a state-responsible (prison) term. Four of the offenders were convicted of multiple types of offenses in addition to violations of § 18.2-112.

Impact of Proposed Legislation:

State adult correctional facilities. Expanding § 18.2-112 may increase the future state-responsible (prison) bed space needs of the Commonwealth. The number of additional felony convictions that may result from the proposal cannot be estimated; therefore, the impact of the proposal on prison bed space cannot be determined.

Local adult correctional facilities. The proposal may increase local-responsible (jail) bed space needs; however, the magnitude of the impact cannot be determined.

Adult community corrections programs. The proposal may increase the need for state community corrections resources, but the magnitude of the impact cannot be determined.

Virginia's sentencing guidelines. The guidelines cover convictions under § 18.2-112. No adjustment to the sentencing guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice, the proposal is not expected to increase juvenile correctional center bed space needs.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal is not expected to increase the bed space needs of juvenile detention facilities.

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 is $0 for periods of commitment to the custody of the Department of Juvenile Justice.

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