

## Department of Planning and Budget 2010 Fiscal Impact Statement

**1. Bill Number:** HB1114

House of Origin      X     Introduced                 Substitute                 Engrossed  
Second House                In Committee             Substitute                 Enrolled

**2. Patron:**        Ebbin

**3. Committee:** Courts of Justice

**4. Title:**        Criminal impersonation; penalty.

**5. Summary:** Creates a Class 1 misdemeanor for any person who knowingly and without authorization assumes the identity of another and commits an act that, if done by the person whose identity is assumed, would subject such person to civil or criminal liability. For purposes of this crime, a person “assumes the identity of another” when the offender creates a situation that would cause a reasonable person to believe the offender is in fact the individual whose identity is assumed. The provisions of this crime shall not apply to a law-enforcement officer, as defined in § 9.1-101, acting in the performance of his official duties.

**6. Fiscal Impact Estimates:** Preliminary; see Item 8 below.

**7. Budget Amendment Necessary:** No.

**8. Fiscal Implications:** Although insufficient data exists to determine the fiscal impact due to the legislation at this time, the legislation could result in an increase in the jail population since a Class 1 misdemeanor can result in a sentence of up to 12 months in jail (and \$2,500 fine). Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds most 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 FY2008 Jail Cost Report (November 1, 2009), the estimated total state support for local and regional jails averaged \$32.66 per state inmate, per day in FY 2008.

**9. Specific Agency or Political Subdivisions Affected:** Law enforcement agencies statewide, local and regional jails.

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

**11. Other Comments:** None.

**Date:** 1/29/2010    dpb/John Crooks

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