

Department of Planning and Budget 2012 Fiscal Impact Statement

1. Bill Number: SB 431

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Stuart

3. Committee: Senate Finance

4. Title: Financial exploitation of the incapacitated

5. Summary:

The proposed legislation would make it a felony punishable by a sentence of 1 to 20 years in prison to knowingly, by deception, intimidation, harassment, or misrepresentation, obtain an incapacitated person's money or other assets with the intent to deprive that person of the use or benefit of his money or other assets. If the offense were to be committed by a caregiver or a person in a position of trust, it would be a Class 3 felony.

6. Budget Amendment Necessary: No. The introduced budget bill includes an appropriation to provide the funding for the fiscal impact of legislation similar to the one proposed.

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

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2013	\$50,000	General
2014	\$0	
2015	\$0	
2016	\$0	
2017	\$0	
2018	\$0	

8. Fiscal Implications:

In addition to the 1-20 year sentence for the offense for someone not a caregiver, for the Class 3 felony proposed in the bill for a caregiver, the possible sentence is 5 to 20 years in prison. Therefore, the proposed legislation could result in additional persons being committed to prison.

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 890 of the 2011 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 Corrections

10. Technical Amendment Necessary: None.

11. Other Comments: Similar to HB 987.

Date: 2/2/2012

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