



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1421

(Patron –Pogge)

LD#: 13102986

Date: 12/11/2012

Topic: Delegates to a convention to amend the U.S. constitution

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
None (\$0)
- **Local Adult Correctional Facilities:**
None (\$0)
- **Adult Community Corrections Programs:**
None (\$0)

- **Juvenile Correctional Centers:**
None (\$0)
- **Juvenile Detention Facilities:**
None (\$0)

Summary of Proposed Legislation:

The proposed legislation amends the *Code of Virginia* by adding sections 24.2-239, 24.2-240 and 24.2-241. The proposal establishes the selection criteria and control of delegates selected for a convention to amend the U.S. constitution. Any convention delegate can be removed from office if he or she fails to faithfully and impartially discharge the duties of a delegate, fails to abide by the instructions established by the General Assembly, or votes or attempts to vote outside the instructions established by the General Assembly. Any violation is punishable as a Class 6 felony.

Article V of the United States Constitution allows two ways to amend the Constitution. First, amendments may be added after a vote of two-thirds of both the U.S. House of Representatives and the U.S. Senate followed by a ratification by three-fourths of the state legislatures. Second, the Constitution may be amended by a convention called for by two-thirds of the state legislatures. Any of the convention's proposed amendments must be ratified by three-fourths of the state legislatures. This proposal relates to the second method of amending the U.S. Constitution.

Analysis:

There are no substantially similar statutes to the proposal, but there are statutes related to misconduct by government officials and employees. According to the General District Automated Information System (CAIS) for fiscal years 2011 and 2012, there was one conviction in violation of the State and Local Government Conflict of Interests Act, §§ 2.2-3100 — 2.2-3131; however, this involved a local government employee. There were no convictions in violation of the General Assembly Conflicts of Interest Act, §§ 30-100 — 30-129.

Impact of Proposed Legislation:

State adult correctional facilities. By adding a new felony offense relating to a convention to amend the U.S. Constitution, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, the proposal would only be applicable if there is a Constitutional Convention proposed by the state legislatures. Given the process that would be necessary for a Constitutional Convention to occur, any potential impact associated with the proposal would likely occur beyond the six-year forecast window required by § 30-19.1:4.

Local adult correctional facilities. Similarly, the proposal is not expected to increase local-responsible (jail) bed space needs.

Adult community corrections programs. The proposal is not expected to have an impact on adult community corrections programs.

Virginia's sentencing guidelines. No adjustment to the guidelines would be necessary under the proposal.

Juvenile correctional centers. The Department of Juvenile Justice (DJJ) reports that the proposal is not expected to increase juvenile correctional center (JCC) 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 is \$0 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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