



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 20 **(Patron – Smith)**

LD#: 14100775

Date: 12/27/2013

Topic: Lobbyist disclosure and responsibilities of the Secretary of the Commonwealth

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000 *
- **Local Adult Correctional Facilities:**
Cannot be determined, likely to be small
- **Adult Community Corrections Programs:**
Cannot be determined, likely to be small

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

* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the 2013 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

The proposed legislation amends §§ 2.2-426, 2.2-428, and 2.2-431 of the *Code of Virginia*, relating to lobbyist disclosure and responsibilities of the Secretary of the Commonwealth. Under the proposal, the Lobbyist's Disclosure Statement would be redesigned. The redesigned form would require a lobbyist to include a list of all legislation and procurement transactions for which he has lobbied, as well as the expenses related to such lobbying activity, and would change the manner in which entertainment and gift expenses are reported. The bill would also require the Secretary of the Commonwealth to review each Lobbyist's Disclosure Statement for completeness and accuracy and, if the statement is not properly completed, reject the entire filing and return it to the lobbyist.

Currently, under § 2.2-426, a lobbyist who signs the disclosure statement knowing that it contains a material misstatement of fact is guilty of a Class 5 felony, while a violation of lobbyist regulations is a Class 1 misdemeanor under § 2.2-433.

Analysis:

According to Circuit Court Case Management System (CMS)¹ data for fiscal year (FY) 2012 and FY2013, there were no felony convictions under § 2.2-426 for a material misstatement on a Lobbyist's Disclosure Statement. Examining FY2012-FY2013 General District Court CMS¹ data, there were no misdemeanor convictions under § 2.2-433 for violation of lobbyist regulations during the two-year period.

¹ Formerly referred to as the Court Automated Information System (CAIS).

Impact of Proposed Legislation:

State adult correctional facilities. The proposed legislation expands the requirements for items that must be reported on the disclosure form that lobbyists file to include, for example, a list of all procurement transactions for which the individual has lobbied. By expanding reporting requirements, the proposal could potentially result in additional felony convictions for misstatements by lobbyists under § 2.2-426. In this way, the proposed legislation may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, the databases available to the Commission do not contain sufficient detail to estimate the number of instances that may be affected by the proposal. While the magnitude of the impact cannot be quantified, any impact is likely to be small.

Local adult correctional facilities. Similarly, the proposal could also affect local-responsible (jail) bed space needs. The magnitude of the impact cannot be determined, but any impact is likely to be small.

Adult community corrections programs. While the potential impact on community corrections resources cannot be quantified, any impact is likely to be small.

Virginia's sentencing guidelines. The guidelines do not cover convictions for material misstatements under § 2.2-426 as the primary (most serious) offense; convictions for such an offense, however, could augment the guidelines recommendation if the most serious offense at sentencing is covered by the guidelines. No adjustment to the guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), the proposal will not increase juvenile correctional center (JCC) bed space needs.

Juvenile detention facilities. The Department of Juvenile Justice (DJJ) reports that the proposal will not 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; therefore, Chapter 806 of the 2013 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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