

Department of Planning and Budget

2015 Fiscal Impact Statement

1. Bill Number: HB1690

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Simon

3. Committee: Privileges and Elections

4. Title: Campaign Finance Disclosure Act; unlawful conversion of campaign contributions to personal use.

5. Summary: Prohibits any candidate from converting any contributed moneys, securities, or like intangible personal property to his personal use or the personal use of a member of his immediate family. The bill provides that a contribution is considered to have been converted to personal use if the contribution, in whole or in part, is used to fulfill any commitment, obligation, or expense of the candidate or member of his immediate family that would exist irrespective of the candidate's duties as a candidate or public office holder. Such commitments, obligations, or expenses include a home mortgage, rent, or utility payment; a noncampaign-related automobile expense; a vacation or other noncampaign-related trip; or a clothing purchase. Personal use does not include the ordinary and accepted expenses related to campaigning or holding elective office. A violation is a Class 1 misdemeanor.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Indeterminate, see Item 8.

8. Fiscal Implications: The Department of Elections indicates that this bill would not have a fiscal impact on the agency.

Although insufficient data exists to determine the fiscal impact due to this proposal, the proposed legislation could result in an increase in the jail population since Class 1 misdemeanor outcomes result in sentences of up to 12 months in jail (and a fine up to \$2,500). Any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds a significant portion 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 FY2013 Jail Cost Report (November 1, 2014), the estimated total state support for local and regional jails averaged \$30.54 per state inmate, per day in FY 2013.

9. Specific Agency or Political Subdivisions Affected: Department of Elections, Compensation Board, regional jails

10. Technical Amendment Necessary: No.

11. Other Comments: N/A

C: Secretary of Administration

Date: January 20, 2015

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