

Department of Planning and Budget

2014 Fiscal Impact Statement

1. Bill Number: HB746

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: Kory

3. Committee: Courts of Justice

4. Title: State and Local Government Conflict of Interests Act and General Assembly Conflicts of Interests.

5. Summary: State and Local Government Conflict of Interests Act and General Assembly Conflicts of Interests Act; gifts; disclosures. Requires the disclosure on statements of economic interests for legislators and certain state and local government officers of gifts in excess of \$100 made to immediate family members if the gift is made by a business, governmental entity, or individual that has transacted or is transacting business with the Commonwealth or its agencies, departments, or political subdivisions within 12 months from the date of the gift. "Immediate family member" is defined, for the purposes of gifts, to include (i) the filer's spouse; (ii) dependents residing with the filer; and (iii) the filer's or his spouse's parent, grandparent, child, grandchild, brother, and sister. In addition, the bill provides circumstances for consideration in determining whether the individual providing a gift is a personal friend whose gifts do not require disclosure.

6. Budget Amendment Necessary: Yes. See Item 8.

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

8. Fiscal Implications: The proposed bill could impact the Department of Corrections, local and regional jails. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 5 years (1 to 10 years for a Class 5 felony) in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. 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 and \$12.00 a day for each state responsible inmate. It also funds a considerable portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs on per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail

Cost Report (November 2013), the estimated total state support for local jails averaged \$30.06 per inmate, per day in FY 2012.

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 806 of the 2013 Acts of Assembly, requires that a minimum impact of \$50,000 be assigned to the bill.

The provisions of the bill are not expected to create a cost to the Office of the Attorney General, General Assembly, State and Local Government.

- 9. Specific Agency or Political Subdivisions Affected:** Office of the Attorney General, General Assembly, State and Local Government, Department of Corrections, local and regional jails.

- 10. Technical Amendment Necessary:** No.

- 11. Other Comments:** House Bill No. 746 is similar to House Bill Nos. 537 and 625, and Senate Bill Nos. 44, 218, 274 and 410.