



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 1251 (Patron – Smith)

LD#: 15102651

Date: 1/9/2015

Topic: Lobbyist disclosure

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:**
Cannot be determined**
- **Juvenile Detention Facilities:**
Cannot be determined**

** Provided by the Department of Juvenile Justice

* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the 2014 Acts of Assembly, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

The proposed legislation amends §§ 2.2-419 and 2.2-426 of the *Code of Virginia*, relating to disclosure statements filed by lobbyists. Under the proposal, the Lobbyist's Disclosure Statement would be modified to require lobbyists to list the matters of general concern for which the lobbyist worked and each 1) legislation action, 2) executive action, and 3) procurement decision for which the lobbyist sought to influence the outcome. Currently, lobbyists are not required to report activities related to procurement transactions that they sought to influence.

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 General District Court Case Management System (CMS) data for fiscal years (FY) 2010 to FY2014, there were no misdemeanor convictions under § 2.2-433 for a violation of lobbyist regulations. Examining FY2010 to FY2014 Circuit Court CMS data, there were no felony convictions under § 2.2-426 for a material misstatement on a Lobbyist's Disclosure Statement during this five-year period.

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 a list of all procurement transactions that the individual sought to influence. 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. Existing data sources, however, do not provide sufficient detail to estimate the number of new felony convictions that could result from enactment of 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. Convictions under § 2.2-426 are not covered by the sentencing guidelines as the primary, or most serious, offense. Convictions under this provision, 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 impact of the proposal on juvenile correctional center (JCC) bed space needs cannot be determined.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal's impact on the bed space needs of juvenile detention facilities cannot be determined.

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 2 of the 2014 Acts of Assembly, Special Session I, 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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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