



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 462 (Patron – Barker)

LD #: 14102261

Date: 12/11/2013

Topic: Financial exploitation of incapacitated persons

Fiscal Impact Summary:

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

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

* 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 proposal modifies § 18.2-178.1, relating to the financial exploitation of incapacitated persons. Currently, any individual who knows or should know that another person is mentally incapacitated and who, through the use of the victim's mental incapacity, takes, obtains, or converts money or property belonging to that person is guilty of a Class 1 misdemeanor if the value of the money or property is less than \$200. If the value of the money or property is \$200 or more, the offense is a felony punishable by 1 to 20 years in prison. Under the proposal, the provisions of § 18.2-178.1 would be expanded to include victims with physical disabilities or who have a long-term lack of engagement with other people.

Section 18.2-178.1 was passed by the 2013 General Assembly and became effective on July 1, 2013.

Analysis:

Since § 18.2-178.1 only came into effect on July 1, 2013, databases available to the Commission do not yet capture the number of offenders who have been charged or convicted of financial exploitation of a mentally incapacitated person.

Impact of Proposed Legislation:

State adult correctional facilities. By expanding the applicability of § 18.2-178.1, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, existing data sources do not contain sufficient detail to identify instances involving financial exploitation of physically disabled or socially isolated individuals. As a result, the impact of the proposal cannot be quantified.

Local adult correctional facilities. Similarly, the proposal may also increase local-responsible (jail) bed space needs; however, the magnitude of the impact cannot be determined.

Adult community corrections resources. Because the proposal could result in additional felony convictions and subsequent supervision requirements for additional offenders, the proposal may increase the need for adult community corrections resources. Since the number of cases that may be affected cannot be determined, the potential impact on community corrections resources cannot be determined.

Virginia’s sentencing guidelines. Convictions under § 18.2-178.1 are not covered by the sentencing guidelines as the primary (most serious) offense in a case; however, a conviction under this provision can 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 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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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