



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 777 (Patron – Newman)

LD#: 15100941

Date: 12/1/2014

Topic: Gifts and disclosures

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
None (\$0)
- **Local Adult Correctional Facilities:**
None (\$0)
- **Adult Community Corrections Programs:**
None (\$0)

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

* Provided by the Department of Juvenile Justice

Summary of Proposed Legislation:

The proposed legislation adds § 30-110.1 and amends §§ 2.2-425 and 30-111, relating to gifts and filing of disclosure statements by General Assembly members. Under the proposal, a legislator may identify himself or herself as a gift-free legislator by selecting the option on the disclosure form. The designation means that the legislator chooses not to accept a gift of any value offered or given during the six-month period immediately following the deadline for which the disclosure form is being filed. A legislator who identifies himself or herself as a gift-free legislator may accept any gift permitted by law, as long as he or she discloses the gift or gifts as required. However, the legislator will not be permitted to identify himself or herself as a gift-free legislator on the next disclosure form filed. The proposal requires the Secretary of the Commonwealth to provide every registered lobbyist with a list of General Assembly members who have self-identified as gift-free legislators.

Currently, under § 30-123, a legislator who knowingly violates any provision of the General Assembly Conflict of Interests Act (§§ 30-102 through 30-111) is guilty of a Class 1 misdemeanor. In addition, the disclosure form filed by General Assembly members contains an Affirmation that the information is full, true, and correct. During the 2014 General Assembly session, the requirement that this disclosure form be notarized was replaced with the statement that a signature on the form is deemed to constitute a valid notarization and has the same effect as if performed by a notary public. If a false statement on the General Assembly disclosure form can be prosecuted in the same manner as false statements on notarized documents, a violation could be prosecuted as perjury, which is punishable as a Class 5 felony under § 18.2-434.

Analysis:

According to General District Court Case Management System (CMS) data for fiscal year (FY) 2010 to FY2014, there were no misdemeanor convictions under § 30-123 for a violation of the General Assembly Conflict of Interests Act.

Impact of Proposed Legislation:

State adult correctional facilities. The proposal does not expand the nature of gifts or information regarding gifts that must be disclosed by General Assembly members. Thus, the proposal is not expected to increase the future state-responsible (prison) bed space needs of the Commonwealth.

Local adult correctional facilities. Because the proposal does not expand gift reporting requirements and it does not expand the applicability of the General Assembly Conflict of Interests Act, no impact on local-responsible (jail) bed space needs is expected.

Adult community corrections programs. The proposal will not increase the need for community corrections resources.

Virginia's sentencing 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 is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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