



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 155 (Patron – Simon)

LD#: 16100916

Date: 12/21/2015

Topic: Disclosure of tax credits

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

\*\* 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 665 of the 2015 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

#### Summary of Proposed Legislation:

The proposed legislation amends § 30-111 of the *Code* to expand the items that must be reported by legislators on their disclosure statements (Statements of Economic Interests). Under the proposal, for disclosure statements filed in June of each year, legislators must report tax credits of \$1,000 or more claimed during the previous tax year by the legislator, an immediate family member, or any business in which the legislator or an immediate family member has an interest in excess of \$5,000. Specified tax credits are exempted from this reporting requirement.

Effective January 1, 2016, any legislator who knowingly and intentionally makes a false statement of a material fact on the disclosure form is guilty of a Class 5 felony (§ 30-111). Currently, however, the disclosure form for 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 currently could be prosecuted as perjury, which is punishable as a Class 5 felony under § 18.2-434.

#### Analysis:

Sentencing Guidelines data for fiscal year (FY) 2014 and FY2015 indicate that 113 offenders were convicted of a Class 5 felony for falsely swearing an oath under § 18.2-434. The perjury offense was the primary, or most serious, offense at sentencing in 82 of the cases. Nearly half (46.3%) of these offenders

did not receive an active term of incarceration to serve after sentencing. More than one-third (37.8%) of the offenders were given a local-responsible (jail) term, for which the median sentence was six months. The remaining 15.9% received a state-responsible (prison) term with a median sentence of 1.5 years. Data do not contain sufficient detail to identify the number of perjury cases involving notarized documents or a Statement of Economic Interests.

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** The proposed legislation expands the requirements for items that must be reported on the disclosure forms filed by legislators. Effective January 1, 2016, knowingly and intentionally making a false statement of a material fact on the disclosure form will be punishable as a Class 5 felony under § 30-111. Expanding the reporting requirements may result in new violations, which could, upon conviction, result in a prison term. In this way, the proposal could increase the future state-responsible (prison) bed space needs of the Commonwealth. However, the databases available to the Commission do not contain sufficient detail to estimate the number of convictions that may result from 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 affect the local-responsible (jail) bed space needs of the Commonwealth. The magnitude of the impact cannot be determined, but any impact is likely to be small.

**Adult community corrections programs.** Because the proposal could result in additional convictions with supervision requirements for the offenders, the proposal may affect adult community corrections resources. While the potential impact on community corrections resources cannot be quantified, any impact is likely to be small.

**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.

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**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 665 of the 2015 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 is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

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