



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 2060 (Patron – Lopez)

LD#: 23103120

Date: 01/03/2023

Topic: Aboveground hazardous storage tanks

Fiscal Impact Summary:

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

- **Juvenile Direct Care:**
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 2 of the Acts of Assembly of 2022, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, fiscal impact statements prepared by the Virginia Criminal Sentencing Commission only include the estimated increase in operating costs associated with additional state-responsible prison beds and do not reflect any other costs or savings that may be associated with the proposed legislation.

Summary of Proposed Legislation:

The proposal adds several sections to the *Code of Virginia* to establish regulations applicable to aboveground storage tanks that measure 1,320 gallons or more in capacity and are used to contain liquid hazardous substances other than oil. Regulations pertaining to aboveground storage tanks that store oil are provided in Article 11 of Chapter 3.1 of Title 62.1 of current *Code*.

The proposal directs the State Water Control Board to adopt regulations for aboveground storage tanks that establish requirements for registration, other requirements of tank owners, and a schedule of registration and renewal fees. The registration must be signed by an authorized representative of the operator, who shall certify under penalty of perjury that the information submitted in the registration is true, accurate, and complete. Currently, making a false statement, representation or certification in any written declaration, application, report or other required document constitutes perjury, a Class 5 felony under § 18.2-434.

Analysis:

According to the Sentencing Guidelines database for FY2021 and FY2022, 60 offenders were convicted of perjury under § 18.2-434. In 39 cases, this offense was the primary (most serious) offense. Of these, 21 offenders (53.8%) did not receive an active term of incarceration to serve after sentencing. Another 16 offenders (41.0%) were sentenced to local-responsible (jail) terms with a median sentence of six months. The remaining two offenders (5.2%) were each sentenced to imprisonment for one year.

Impact of Proposed Legislation:

State adult correctional facilities. By expanding the applicability of an existing felony offense, the proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. Available data sources do not contain sufficient detail to estimate the number of additional felony convictions that may result from enactment of the proposal. Therefore, the magnitude of the impact on prison bed space needs cannot be determined.

Local adult correctional facilities. Similarly, the proposal may 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 convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase the need for adult community corrections resources. Since the number of cases affected cannot be determined, the potential impact on community corrections cannot be quantified.

Virginia's Sentencing Guidelines. Felony convictions under § 18.2-434 are covered by the Sentencing Guidelines. No adjustment to the Guidelines would be necessary under the proposal.

Juvenile direct care. The Department of Juvenile Justice (DJJ) reports that the proposal is not expected to have an impact on direct care (juvenile correctional center or alternative commitment placement) bed space needs.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal is not expected to impact the bed space needs of juvenile detention facilities.

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 Acts of Assembly of 2022, 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 is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

storage01_3120