



## Fiscal Impact Statement for Proposed Legislation

---

### Virginia Criminal Sentencing Commission

#### House Bill No. 2281 (Patron – Shin)

LD#: 23104229

Date: 01/10/2023

Topic: Conflict of Interest Acts; penalties

#### 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 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 amends §§ 30-123, 30-126, 30-127, 30-356, and 30-357, repeals §§ 30-112 through 30-119 and adds § 30-356.3 to the *Code of Virginia*. The proposal authorizes the Virginia Conflict of Interest and Ethics Advisory Council to investigate alleged violations of the State and Local Government Conflict of Interests Act and the General Assembly Conflicts of Interests Act. The Council may initiate an investigation upon its own motion or in response to a complaint filed by a resident of the Commonwealth who has firsthand knowledge of an alleged violation. As proposed, the Virginia Conflict of Interest and Ethics Advisory Council will employ an executive director and staff separate from the Division of Legislative Services.

The proposal directs the Council to review the disclosure forms filed by members of the General Assembly for compliance with applicable disclosure requirements and limitations on gifts. The proposal amends § 30-123 of the *Code of Virginia* to increase the penalty for any knowing violation of the General Assembly Conflicts of Interests Act from a Class 1 misdemeanor to a Class 6 felony.

Currently, it is a Class 1 misdemeanor for a member of the General Assembly to violate any of the provisions of §§ 30-103 through 30-110 regarding: prohibited conduct, prohibited gifts, prohibited contracts, and requirements for disclosing economic interests. Under § 30-111, any legislator who knowingly and intentionally makes a false statement of a material fact on the Statement of Economic Interests is guilty of a Class 5 felony.

---

**Analysis:**

According to the Circuit Court and General District Court Case Management Systems (CMS) for fiscal years 2017 through 2022, there were no convictions for violations of § 30-123 or §§ 30-103 through 30-111 during this time period.

According to Circuit Court CMS data for fiscal year (FY) 2017 to FY2022, there were no felony convictions under § 30-111 for making a false statement on the Statement of Economic Interests filed by legislators.

According to the Virginia Conflict of Interest and Ethics Advisory Council, 11,897 Statements of Economic Interests and Financial Disclosure Statements were filed with the Council in calendar year 2020.<sup>1</sup> For calendar year 2021 through November 1, 11,829 statements were filed.

---

**Impact of Proposed Legislation:**

**State adult correctional facilities.** The proposal increases the penalty for any knowing violation of the General Assembly Conflicts of Interests Act from a Class 1 misdemeanor to a Class 6 felony. The proposal may also increase the potential for false statements on Economic Interest disclosure forms. While the impact of the proposal on state-responsible (prison) bed space cannot be quantified, any impact is likely to be small.

**Local adult correctional facilities.** Similarly, the impact of the proposal on local-responsible (jail) bed space needs cannot be determined. The impact, if any, is likely to be small.

**Adult community corrections resources.** The impact, if any, on state community corrections resources and local community-based probation services cannot be estimated but is likely to be small.

**Virginia's Sentencing Guidelines.** As a new felony offense, a conviction under the proposed § 30-123 would not be covered by Virginia's Sentencing Guidelines. Also, felony convictions under § 30-111 are not covered by the Guidelines when the offense is the primary, or most serious, offense in a case. However, convictions under these provisions could augment the Guidelines recommendation (as additional offenses) if the most serious offense at sentencing is covered by the 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.**

COI05\_4229

---

<sup>1</sup> Virginia Conflict of Interest and Ethics Advisory Council, *2021 Annual Report*, [http://ethics.dls.virginia.gov/2021%20Annual%20Report%20Final%20for%20Approval\\_11.23.2021\\_Meeting.pdf](http://ethics.dls.virginia.gov/2021%20Annual%20Report%20Final%20for%20Approval_11.23.2021_Meeting.pdf).