



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 1471

(Patrons – Patrons—Boysko, Barker, Marsden and Surovell)

LD #: 23104251

Date: 01/14/2023

Topic: Personal use of campaign funds

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
None (\$0) *
- **Local Adult Correctional Facilities:**
None (\$0) *
- **Adult Community Corrections Programs:**
Cannot be determined

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

** Provided by the Department of Juvenile Justice

* 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 §§ 2.2-3711, 24.2-946, and 24.2-948.4 and adds §§ 24.2-948.6, 24.2-948.7 and 24.2-948.8 to the *Code of Virginia*, related to campaign finance.

Currently, §§ 24.2-947 through 24.2-948.5 of the *Code* prohibit conversion of contributions with regard to disbursement of surplus funds at the dissolution of a campaign or political committee. Also, § 24.2-952.7 prohibits the conversion of inaugural contributions for personal use. The proposal prohibits any person from converting contributions to a candidate or a campaign for personal use. Under the proposal, a contribution is considered to have been converted to personal use if the contribution is used to fulfill any financial need or obligation that would have existed irrespective of a campaign or holding an elected office. The candidate or the campaign may be required to pay back the amount that was unlawfully converted and may also be required to pay a civil fine not to exceed \$1,000 per itemized expenditure found in violation.

Under the proposed § 24.2-948.7, any person who files a false complaint against a candidate or campaign would be guilty of perjury and subject to the Class 5 felony penalty defined in § 24.2-1016.

Analysis:

The proposal expands the applicability of the Class 5 felony defined in § 24.2-1016. Existing data sources do not contain sufficient detail to estimate the number of additional convictions that may result from enactment of the proposal. However, individuals convicted of the proposed offense may be sentenced similarly to individuals sentenced under existing provisions.

According to the Circuit Court Case Management System (CMS) data for fiscal year (FY) 2017 through FY2022, three offenders were convicted of a felony under § 24.2-1016. None received an active period of incarceration.

Impact of Proposed Legislation:

State adult correctional facilities. By expanding the application of an existing felony, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, in past six fiscal years, no offender convicted under the existing provision received an active state-responsible (prison) term. Therefore, the proposal is not expected to impact prison bed space needs during the six-year window specified by § 30-19.1:4 for legislative impact statements.

Local adult correctional facilities. Similarly, the proposal is not likely to impact local-responsible (jail) bed space needs.

Adult community corrections resources. The impact, if any, on state community corrections resources and local community-based probation services cannot be estimated.

Virginia's sentencing guidelines. Felony convictions under the existing § 24.2-1016 are not covered by the Sentencing Guidelines when the offense is the primary, or most serious, offense. However, such a conviction may augment the Guidelines recommendation (as an additional offense) 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 proposal is not expected to increase direct care (juvenile correctional center or alternative commitment placement) 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 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.