



**Fiscal Impact Statement for Proposed Legislation**  
**Virginia Criminal Sentencing Commission**

**Senate Bill No. 528**  
*(Patron – Sturtevant)*

**LD#:** 24104952

**Date:** 01/10/2024

**Topic:** Delegates to interstate convention or other commissionable event

**Fiscal Impact Summary:**

<ul style="list-style-type: none"> <li>• <b>State Adult Correctional Facilities:</b> \$50,000*</li> <li>• <b>Local Adult Correctional Facilities:</b> Cannot be determined</li> <li>• <b>Adult Community Corrections Programs:</b> Cannot be determined</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Juvenile Direct Care:</b> Cannot be determined (Likely negligible)**</li> <li>• <b>Juvenile Detention Facilities:</b> Cannot be determined (Likely negligible)**</li> </ul> <p>** Provided by the Department of Juvenile Justice</p>
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\* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, 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 proposed legislation amends the Code of Virginia by adding § 18.2-485.1. The proposal provides that a delegate or interim delegate to an interstate convention subject to the limitations set forth in the Constitution of the United States, or other commissionable events as the Commonwealth may set forth, may not vote or otherwise act beyond the authority granted in the delegate’s commission. The proposal provides that a delegate or interim delegate who exceeds the scope of the authority granted is guilty of a Class 5 felony. The bill also provides that any individual who knowingly bribes, threatens, intimidates, or unlawfully obstructs, or attempts to bribe, threaten, intimidate, or unlawfully obstruct, any delegate or interim delegate to the interstate convention or other commissionable event in the performance of the delegate’s duties is guilty of a Class 5 felony.<sup>1</sup>

**Analysis:**

Currently, in the Code of Virginia, there are no substantially similar statutes to the proposal; however, there are statutes related to misconduct by government officials and employees and perjury. According to the Circuit Court and General District Court Case Management System (CMS) for fiscal years (FY) 2018 through FY2023, no one was convicted of violating the State and Local Government Conflict of Interests

<sup>1</sup> Under current law, the felony offenses defined in the proposed § 18.2-485.1 are eligible for the enhanced sentence credits specified in § 53.1-202.3; therefore, individuals convicted of this offense must serve a minimum of 67% of the sentence ordered by the court.

Act (§§ 2.2-3100 through 2.2-3131). The same data indicate that there were no convictions under the General Assembly Conflicts of Interest Act (§§ 30-100 through 30-129) during this time period. Individuals who exceed their scope of authority may be sentenced similarly to those currently convicted of a Class 5 felony for perjury under § 18.2-434. According to Sentencing Guidelines data for FY2018 through FY2023, 220 individuals were convicted under § 18.2-434 for falsely swearing on an oath. In 145 of the cases, this offense was the primary, or most serious, offense in the sentencing event. Of these 145 sentencing events, 43.4% of defendants received probation without an active term of incarceration, 46.2% received a local-responsible (jail) term, and 10.3% received a state-responsible (prison) term. For defendants given a state prison term, the median sentence was 1.5 years.

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** The proposal creates new felony offenses that apply to interstate conventions and other commissions as the Commonwealth may set forth. Thus, the proposal could increase the state-responsible (prison) bed space needs of the Commonwealth. The number of additional felony convictions that may result from the proposal cannot be estimated; therefore, the magnitude of the impact cannot be determined.

**Local adult correctional facilities.** The proposal may also increase local-responsible (jail) bed space needs, but the magnitude of the impact cannot be determined.

**Adult community corrections programs.** Because the proposal could result in additional felony convictions and subsequent supervision requirements for those offenders, the proposal may affect adult community corrections resources. Since the number of cases that may be affected cannot be determined, the potential impact on community corrections programs cannot be quantified.

**Virginia’s Sentencing Guidelines.** The new felony offenses under § 18.2-485.1 would not initially be covered by the Sentencing Guidelines when the offense is the primary, or most serious, offense at sentencing. Such convictions, however, may augment the Guidelines recommendation (as additional offenses) if the most serious offense at sentencing is covered by the Guidelines. The proposed offense would not be defined as violent under § 17.1-805(C) for the purposes of the Guidelines. No adjustment to the Guidelines would be necessary under the proposal.

**Juvenile direct care.** According to the Department of Juvenile Justice, the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) bed space needs cannot be determined but will likely be negligible.

**Juvenile detention facilities.** The Department of Juvenile Justice reports that the proposal’s impact on the bed space needs of juvenile detention facilities cannot be determined but will likely be negligible.

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**Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.**

**Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**