

## Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. **Bill Number:** SB528

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

2. **Patron:** Sturtevant

3. **Committee:** Courts of Justice

4. **Title:** Crimes; offenses against the sovereignty of the Commonwealth; unfaithful delegates to a convention.

5. **Summary:** Provides that a delegate or interim delegate to a convention for proposing amendments held under Article V of the Constitution of the United States may not vote or otherwise act beyond the authority granted in his commission, as that term is defined in the bill. The bill provides that a delegate or interim delegate who exceeds the scope of his authority 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 such convention is guilty of a Class 5 felony.

6. **Budget Amendment Necessary:** No

7. **Fiscal Impact Estimates:** Preliminary, see Item 8.

8. **Fiscal Implications:** The fiscal impact of this bill is indeterminate. For someone convicted of a Class 6 felony, a judge has the option of sentencing the offender to a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$5.00 a day for each misdemeanor or otherwise local-responsible prisoner held in a jail and \$15.00 a day for each state-responsible prisoner. It also funds a considerable portion of the jails' operating costs, e.g., correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2023), the estimated total state support for local jails averaged \$45.76 per inmate, per day in FY 2022.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 1, 2023 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

**9. Specific Agency or Political Subdivisions Affected:** House of Delegates, Senate of Virginia, local and regional jails.

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None