

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: SB124

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Obenshain

3. Committee: Judiciary

4. Title: Misuse of power of attorney; financial exploitation of incapacitated adults, penalty.

5. Summary: The proposed legislation makes it a Class 1 misdemeanor for any person granted authority to act for a principal under a power of attorney to knowingly or intentionally engage in financial exploitation of an incapacitated adult. The bill also provides that the power of attorney terminates upon such conviction. This bill is a recommendation of the Virginia Criminal Justice Conference.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary (see Item 8 below).

8. Fiscal Implications: The proposed legislation would add a new section numbered § 18.2-178.2., to specifically address financial exploitation by an agent who knowingly or intentionally engages in financial exploitation of an incapacitated adult. The proposed legislation provides that those who are convicted of this crime would be convicted of a Class 1 misdemeanor, which is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both. There is not sufficient information readily available to reliably estimate the increase in jail population as a result of this proposal. The Commonwealth currently pays the localities \$4.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail. It also funds a large portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2021), the estimated total state support for local jails averaged \$37.58 per inmate, per day in FY 2020.

9. Specific Agency or Political Subdivisions Affected: Local and regional jails; Courts; Commonwealth Attorneys; Public Defenders.

10. Technical Amendment Necessary: No

11. Other Comments: None