



HOUSE COMMITTEE ON APPROPRIATIONS
2009-10 Legislative Session

FISCAL NOTE

HOUSE BILL: 416

PRINTER'S NO: 916

PRIME SPONSOR: Barbin

FISCAL IMPACT SUMMARY	FY 2008/09	FY 2009/10
Expenditure Increase/(Decrease):		
General Fund	*See Analysis	*See Analysis

OVERVIEW:

House Bill 416 amends Title 18 (Crimes and Offenses) by adding definitions and establishing the crime of impersonating a professional or occupational licensee.

This bill changes the penalty for a violation of impersonating a notary public by downgrading it from a misdemeanor of the first degree to a misdemeanor of the second degree. This legislation further provides for the crime of impersonation by making it a misdemeanor of the second degree to impersonate the holder of a professional or occupational license.

If the intent of an individual impersonating a notary or a professional/occupational licensee is to harm, defraud or injure anyone, the penalty is increased from a misdemeanor of the second degree to a felony of the third degree.

The act shall take effect in 60 days.

ANALYSIS:

According to the Department of State, in calendar year (CY) 2007 there were 482 investigations for unlicensed activity and in CY 2008, there were 454 investigations for unlicensed activity.

Without data indicating how many of these individuals were subject to administrative or civil penalties, it is not possible to quantify the fiscal impact of criminalizing unlicensed activity by holders of professional/occupational licenses. It is assumed that the enactment of House Bill 416 may result in the criminal convictions for at least a portion of the individuals that are investigated for unlicensed professional/occupational activity covered by the Commonwealth's 29 licensing boards.

In addition to any violations related to lapses in renewal of licenses or other circumstances that would likely result in the lesser penalty of a second degree misdemeanor, there will likely be individuals who will be charged with third degree felonies for intending to harm, defraud, or injure.

A second degree misdemeanor can result in a prison sentence of up to two years and/or a fine of up to \$5,000. Prison sentences up to two years will affect county jails in the Commonwealth where costs for incarceration averaged \$50 per day or \$18,250 per year in 2008. The average cost for supervising a county adult offender under probation in 2008 was \$680 per year.

A felony of the third degree can result in a prison sentence of up to seven years and/or a fine of up to \$15,000. The average cost in 2008 for incarcerating an offender in a state correctional institution is almost \$40,000 per year (including health care). According to the Board of Probation and Parole, in 2008 the average cost for state parole supervision was \$3,139 per year.

Again, it is not possible to determine how many individuals may be sentenced under this legislation; nor is it possible to predict what type of sentencing individuals may receive as a result of conviction. However, it is assumed that there may be a fiscal impact on both Commonwealth funds and local funds as a result of the enactment of this legislation.

While this legislation is expected to have minimal fiscal impact, if considered in conjunction with other legislation that increases the grading of penalties or creates new penalties, the impact to state and/or local governments may be substantial.

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General Note and Disclaimer: *This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*