

Department of Planning and Budget
2025 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: SB1138

Patron: Sturtevant

Bill Title: General Assembly; intergovernmental affairs; delegates to convention for proposing amendments held pursuant to Article V of the Constitution of the United States; penalties.

Bill Summary: Provides for the selection by the General Assembly of delegates to attend a convention for proposing amendments to the Constitution of the United States held pursuant to Article V of the Constitution of the United States. The bill grants the General Assembly the power to recall delegates, appoint new delegates, and convene an advisory committee to oversee the conduct of delegates. The bill provides that delegates must take an oath to adhere to the instructions of the General Assembly and any delegate who votes or otherwise acts beyond the authority granted in such instructions is guilty of a Class 5 felony.

Budget Amendment Necessary: No

Items Impacted: None

Explanation: Indeterminate

Fiscal Summary: The fiscal impact of this bill is indeterminate. The provisions of this bill establish guidelines for the General Assembly for selection of delegates in the event of a constitutional convention. The bill states that any delegates chosen will receive the same compensation as a House of Delegates member. It is unknown when or how often the provisions of this bill will come into effect, so it is not possible to determine the costs associated with it.

For someone convicted of a Class 5 felony, a judge has the option of sentencing the offender to a term of imprisonment of not less than one year nor more than ten 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 2024), the estimated total state support for local jails averaged \$56.38 per inmate, per day in FY 2023.

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 2, 2024 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

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Fiscal Analysis: See Fiscal Summary

Other: Similar to SB527 (2024)