



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 1400

(Patron – Rerras)

Date Submitted: 1/10/01

LD #: 01-9607522

Topic: Certain premises deemed common nuisance.

Proposed Change:

Amends §18.2-258 to add a bawdy place to the list of premises deemed a common nuisance.

Current Practice:

Currently, §18.2-258 defines a common nuisance as any establishment, building, vehicle, vessel, boat, or aircraft used primarily by persons under the influence of illegally obtained controlled substances or marijuana, or for the purpose of obtaining, distributing or manufacturing such substances, with the knowledge of the owner, lessor, agent, manager, operator, or tenant thereof. Any person who knowingly permits, establishes, keeps or maintains a common nuisance is guilty of a Class 1 misdemeanor and, for a second or subsequent offense, a Class 6 felony.

Based on the first nine months of CY2000 Local Inmate Data System (LIDS) data, there were 13 offenders convicted for misdemeanor violation of §18.2-258 who served time in jail awaiting trial or an active term of incarceration after conviction; approximately 85% of these offenders received local-responsible (jail) sentences, with a median effective sentence of four months. According to FY1997 and FY1998 Pre/Post-Sentence Investigation (PSI) data, there were two felony convictions under §18.2-258. One offender received probation and the other received a local-responsible (jail) sentence of three months incarceration.

Convictions under §18.2-258 are not covered by the sentencing guidelines but can augment the guidelines recommendation when a covered offense is the most serious at conviction.

Impact of Proposed Legislation:

The proposed legislation may have an impact on state-responsible (prison) beds. However, existing databases are insufficient to provide information on the potential increase in convictions by the inclusion of a bawdy place as a common nuisance. Therefore, the potential impact on state-responsible (prison) bed space cannot be quantified. No adjustment to the sentencing guidelines would be necessary under the proposal.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined.