



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 893 Engrossed as Amended (Patron – McDougle)

Date Submitted: 02/08/02

LD #: 02-0159838

Topic: Killing of a law-enforcement officer because of his status

Proposed Change:

Amends §18.2-31 to expand the list of crimes defined as capital murder. Under the proposal, the willful, deliberate, and premeditated killing of any law-enforcement officer because of his present or former status as a law-enforcement officer would be capital murder.

Current Practice:

Under §18.2-31(6), the willful, deliberate, and premeditated killing of any law-enforcement officer with the purpose of interfering with the performance of the officer's official duties is capital murder. The willful, deliberate, and premeditated murder of a law-enforcement officer because of his position or status, whether present or former, is not currently specified as capital murder.

Pre/Post-Sentence Investigation (PSI) data for calendar years (CY) 1999 and 2000 reveal that there were no convictions involving first-degree murder of a law-enforcement officer that did not result in a conviction for capital murder.

Virginia's sentencing guidelines do not cover capital murder offenses defined in §18.2-31. Attempted capital offenses are covered by the guidelines when there is an accompanying conviction for a crime with a maximum penalty of life imprisonment; in those situations, the attempted capital murder is an additional offense that augments the guidelines recommendation.

Impact of Proposed Legislation:

The impact of the proposed legislation on state-responsible (prison) bed space is expected to be negligible. There were no cases of first-degree murder of a law-enforcement officer in PSI data. If there were any cases, defining this act as capital murder might result in longer prison sentences or death sentences for offenders convicted of this crime. However, any increase in bed space needs would likely occur beyond the six-year window specified in §30-19.1:4 for legislative impact statements. 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 is \$0 for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.