



## Impact Analysis on Proposed Legislation

*Virginia Criminal Sentencing Commission*

### Senate Bill No. 180

*(Patron – Trumbo)*

**Date Submitted:** 01/10/02

**LD #:** 02-2905548

**Topic:** Professions and occupations

#### **Proposed Change:**

Amends §54.1-111 such that a third or subsequent conviction for failure to comply with a statute or regulation regarding licensure, certification, registration, or practicing a profession or occupation would be a Class 6 felony, regardless of when the offense occurred.

#### **Current Practice:**

Currently under §54.1-111, failure to comply with a statute or regulation regarding licensure, certification, registration, or practicing a profession or occupation is a Class 1 misdemeanor. A third or subsequent conviction for such an offense during a 36-month period is a Class 6 felony.

According to FY2001 Local Inmate Data System (LIDS) data, 12 offenders held pre- or post-trial in jail were convicted of the misdemeanor offense under §54.1-111. Of those, 83% were sentenced to incarceration with a median sentence of one month. Misdemeanor convictions are not covered by the sentencing guidelines as the primary (or most serious) offense but may augment the sentence recommendation as additional offenses.

Pre/Post-Sentence Investigation (PSI) data for calendar years (CY) 1999 and 2000 reveal that there was one felony conviction under §54.1-111 for a third or subsequent offense during a 36-month period. That offender received a one-year incarceration term. Felony convictions under §54.1-111 are not covered by the guidelines as the primary offense but may augment the sentence recommendation as additional offenses.

#### **Impact of Proposed Legislation:**

The proposed legislation may have an impact on the bed space needs of the Commonwealth; however, data are insufficient to determine the number of cases where there is a third or subsequent offense beyond the 36-month period currently specified. Thus, it is impossible to determine how many of the misdemeanor crimes would become Class 6 felonies under the proposed legislation.

No adjustment to the guidelines would be necessary under the proposal.

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