



## **Impact Analysis on Proposed Legislation**

*Virginia Criminal Sentencing Commission*

### **House Bill No. 2235**

*(Patron – Pollard)*

**Date Submitted:** 12/16/02

**LD #:** 03-4843890

**Topic:** Delivery of weapons to prisoners

#### **Proposed Change:**

The proposal amends § 18.2-474.1 to make it a Class 3 felony to deliver, attempt to deliver, or conspire to deliver to a prisoner any weapon capable of causing death or injury, including knives, instruments, tools, or other things not authorized by the sheriff, superintendent or prison official. As currently written, § 18.2-474.1 expressly prohibits persons from delivering, attempting to deliver, or conspiring to deliver firearms, ammunitions, or explosives to prisoners. Under § 53.1-203(4), it is a Class 6 felony for a prisoner to possess any unauthorized weapon capable of causing death or injury.

#### **Current Practice:**

Based on fiscal year (FY) 2000 and FY2001 Pre/Post-Sentence Investigation (PSI) data, there were no convictions for supplying firearms, ammunitions or explosives to prisoners under § 18.2-474.1.

As a new offense, convictions under § 18.2-474.1 would not covered by the sentencing guidelines as the primary offense but may augment the guidelines recommendation if a covered offense is the most serious at conviction.

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

Proposed changes to § 18.2-474.1 may have an impact on state-responsible (prison) beds. As a Class 3 felony, violators would be eligible for five to 20 years incarceration. However, criminal justice databases available to the Commission do not contain information on the number of incidences that may be affected by the proposal. Similarly, the impact on jails and community corrections cannot be quantified. Should a local-responsible (jail) impact result, the state's share for a jail inmate is about half (52%) of the cost for a prison inmate for the same length sentence. Additionally, there may be an increased need for prison or jail bed space based on probation or post-release supervision revocations.

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 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

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