



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 2692

(Patron – Bell)

Date Submitted: 01/13/03

LD #: 03-0625627

Topic: Protection of infants

Proposed Change:

The proposal adds § 18.2-51.5 to make it a Class 4 felony for any person, other than the mother of the child, to willfully and deliberately engage in conduct that causes the death of, or permanent, serious bodily injury to, a child who is in utero at the time of the conduct and to make it a Class 2 felony if such act be done intentionally. Under the proposal, violation of this section constitutes a separate and distinct felony.

Data Analysis:

Based on calendar year (CY) 2000 Virginia Center for Health Statistics data, there were 98,864 live births and 7,490 natural fetal deaths. Data are not available regarding the number of unattended births or the number of births that go unreported.

Convictions for the proposed crimes would not be 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:

By defining three new felony crimes, the proposal may have an impact on state-responsible (prison) and local-responsible (jail) beds. However, criminal justice databases are insufficient to determine how many, if any, cases involve the death of or injury to a child in utero or how many cases of unreported births may be prosecuted as a result of the proposal. Therefore, the impact of the proposed legislation 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 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.