

Department of Planning and Budget 2004 Fiscal Impact Statement

1. Bill Number **HB 1148**

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

2. Patron McDonnell

3. Committee Passed both houses

4. Title Expansion of sentencing guidelines

5. Summary/Purpose:

As part of the truth-in-sentencing and no parole system adopted by the Commonwealth in 1994, offenders with prior violent records receive substantially longer sentences than those without a prior record of violent offenses. This effect is accomplished through the voluntary sentencing guidelines developed and maintained by the Virginia Criminal Sentencing Commission. The Code of Virginia specifies those offenses that are to be scored as violent crimes under the sentencing guidelines. Offenders with prior convictions for violent felonies receive guidelines recommendations substantially longer than those without a prior violent record, and the size of the increased penalty recommendation is linked to the seriousness of the prior crime, as measure by the statutory maximum penalty. This “enhancement” of the guidelines recommendations will range from 300% to 500%, depending on the statutory maximum penalty of the prior offense.

The proposed legislation would add the following offenses to the list of crimes defined as violent for purposes of sentence enhancement:

- Solicitation to commit murder;
- Committing an act of terrorism;
- Possession of weapons of imitation weapons with the intent to terrorize; and
- Malicious biological destruction of crops or animals valued at \$2,500 or more.

All of these statutes were recently enacted by the General Assembly.

6. Fiscal Impact Estimates are: Final. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

Due to recent enactment of the affected statutes, there is insufficient data available to enable the Virginia Criminal Sentencing Commission, in accordance with the provisions of §30-19.1:4 of the Code of Virginia, to project the impact of the proposed legislation on state-responsible bed space.

9. Specific agency or political subdivisions affected:

Virginia Criminal Sentencing Commission
Circuit courts
Commonwealth's attorneys
Department of Corrections

10. Technical amendment necessary: None.

11. Other comments: This legislation was introduced at the request of the Virginia Criminal Sentencing Commission and implements a recommendation adopted by the Commission last fall and contained in the Commission's 2003 Annual Report.

Date: 03/31/04 / rwh

Document: G:\LEGIS\Fis-04\Hb1148er.Doc Dick Hall-Sizemore

cc: Secretary of Finance