



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 291

(Patron – Griffith)

Date Submitted: 1/5/04

LD #: 04-0015308

Topic: Sex offender registration procedures

Proposed Change:

The proposed legislation amends § 9.1-903 to revise the procedures for registering with the state's Sex Offender and Crimes Against Minors Registry (SOR). The proposal adds language to specify that the registrant must provide to the local law-enforcement agency of the county or city "where he physically resides" all information required by the State Police for inclusion in the Registry. The proposal requires a sex offender changing his residence to reregister with the local law-enforcement agency with which he has previously registered no more than 10 days prior to the change to provide notice of his intent to move and evidence of his new address; if the new residence is within the Commonwealth, the sex offender must register in person with the local law-enforcement agency where his new residence is located no more than 10 days following his change of residence. Currently, a sex offender is not required to inform the local law-enforcement agency where he has been registered prior to moving out of the jurisdiction.

Under § 18.2-472.1, an offender convicted of a sexually violent offense, as defined in § 9.1-902, who knowingly fails to register or reregister or provides false information is guilty of a Class 6 felony. An offender not previously convicted of a sexually violent offense, but still required to register with the SOR, is guilty of a Class 1 misdemeanor if he knowingly fails to register or reregister or provides false information.

Data Analysis:

According to fiscal year (FY) 2001 and FY2002 Local Inmate Data System (LIDS) data, 73 offenders held pre- or post-trial in local jails were convicted of a misdemeanor under § 18.2-472.1 for failing to register or reregister as a sex offender (see *Background Sentencing Information* below). Of those, the majority (88%) were sentenced to local-responsible (jail) terms with a median effective sentence (imposed sentence less any suspended time) of one month. Based on FY2000 and FY2001 Pre/Post-Sentence Investigation (PSI) data, there were 42 convictions for felony violations of § 18.2-472.1 as the primary offense in a sentencing event. However, only two offenders (5%) received state-responsible (prison) terms, with each sentenced to one year of imprisonment.

The Commission provides analyses of the impact on prison and jail bed space and community corrections placement needs in accordance with § 30-19.1:4. Impact analyses do not comment on the merits of the bill under review.

These offenses are not covered by Virginia's sentencing guidelines as the primary (most serious) offense in a sentencing event, but may appear as additional offenses if a covered offense is the most serious at sentencing.

Background Sentencing Information

Misdemeanor Crime	Number of Cases	% No Incarceration	% Local Responsible	% State Responsible	Median Local-Responsible Sentence
Misdemeanor failure to register--nonviolent/other sex offender (§18.2-472.1)	73	12%	88%	0%	1 month

Note: Includes only convictions of those held in the local jail pretrial or sentenced to serve time post-trial.
Data Source: FY2001 and FY2002 Local Inmate Data System (LIDS) database

Felony Crime	Number of Cases	% No Incarceration	% Local Responsible	% State Responsible	Median State-Responsible Sentence
Felony failure to register--violent sex offender (§18.2-472.1)	42	64%	31%	5%	1 year

Data Source: FY2000 and FY2001 Pre/Post-Sentence Investigation (PSI) database

Impact of Proposed Legislation:

The proposed legislation describes new procedures for reregistration of sex offenders who change their residence. The proposal may have an impact on the bed space needs of the Commonwealth if additional violations of SOR registration requirements result. However, the databases available to the Commission are insufficient to provide information on the number of convictions that may result if the proposal is adopted. Therefore, the effect of the proposal cannot be quantified. 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.

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