



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 571 *As Engrossed* *(Patron Prior to Engrossment – Albo)*

Date Submitted: 2/13/04

LD #: 04-0156104

Topic: Obstruction of justice

Proposed Change:

The proposed legislation amends § 18.2-460(C) to expand the provision that makes it a Class 5 felony to intimidate public officials by threats of bodily harm or force or to otherwise obstruct justice in any case involving a violent felony offense or drug offense specified in §§ 18.2-248 or 18.2-248.1 (a, 3), (b) or (c). Under the proposal, this list of offenses is expanded to include gang-related crimes defined in §§ 18.2-46.2 and 18.2-46.3.

Data Analysis:

According to FY2000 and FY2001 Pre/Post-Sentencing Investigation (PSI) data, 12 offenders were convicted of felony violations of § 18.2-460(C) as the primary (most serious) offense in a sentencing event. Of these, 58% received probation, 17% received jail terms, and 25% were sentenced to prison terms with a median sentence of two years.

Based on FY2001 and FY2002 Local Inmate Data System (LIDS) data, four offenders held pre- or post-trial in jail were convicted of gang-related crimes under §§ 18.2-46.2 or 18.2-46.3.

Impact of Proposed Legislation:

The proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. However, databases are insufficient to determine the number of additional convictions that may result from the expansion of the Class 5 felony to include obstruction of justice committed in association with gang violations. Nonetheless, the impact is likely to be small, as only four offenders have been convicted under the gang statutes in a recent two-year period.

The anticipated impact on community corrections programs is unknown because sufficient data are not available to calculate the impact on such programs. However, the proposal may increase the need for probation services from state programs.

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.

Convictions under the existing § 18.2-460 are not covered by the sentencing guidelines as the primary offense in a sentencing event but may augment the guidelines recommendation as additional offenses. 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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