

**Department of Planning and Budget**  
**2004 Fiscal Impact Statement**

**1. Bill Number** HB 645

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

**2. Patron** Bell

**3. Committee** Passed both houses

**4. Title** Definition of statutory burglary

**5. Summary/Purpose:**

Under current law, statutory burglary is defined as breaking and entering with the intent to commit murder, rape, or robbery. The offense is a Class 3 felony, or, if the offender were armed with a deadly weapon, it is a Class 2 felony. In addition to a "dwelling house," the statute lists specific types of buildings to which it applies. The proposed legislation would eliminate the list of other types of buildings and substitute the phrase, "building permanently affixed to realty."

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

**7. Budget amendment necessary:** None.

**8. Fiscal implications:**

By generalizing the definition of statutory burglary to apply to any permanent building, the proposed legislation may result in additional convictions under the statute and, therefore, more offenders committed to the state's correctional facilities. However, the Virginia Criminal Sentencing Commission has concluded that the extent of the impact, if any, cannot be determined.

**9. Specific agency or political subdivisions affected:** Department of Corrections

**10. Technical amendment necessary:** None.

**11. Other comments:** None.

**Date:** 03/29/04 / rwh

**Document:** G:\LEGIS\Fis-04\HB645ER.Doc Dick Hall-Sizemore

cc: Secretary of Finance