



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 650 *As Enrolled* *(Patron Prior to Enrollment – Bell)*

Date Submitted: 3/12/04

LD #: Enrolled

Topic: Interception, disclosure, etc., of wire, electronic or oral communications

Proposed Change:

The proposal amends § 19.2-62 to explicitly state that, with certain exceptions, the use of any information that the offender knows or has reason to know was obtained through interception of a wire, electronic or oral communication is a Class 6 felony. The current statute only prohibits use of information obtained through interception of a wire or oral communication. The addition of electronic communication to subsection A4 corrects an omission dating to 1988 when the crime definition was originally expanded to include electronic communication.

Data Analysis:

Based on fiscal year (FY) 2000 and FY2001 Pre/Post-Sentence Investigation (PSI) data, only three offenders were convicted for felony violation of § 19.2-62 as the primary (most serious) offense in a sentencing event, and all three were sentenced to probation.

Impact of Proposed Legislation:

The proposed legislation may have an impact on state-responsible (prison) beds. Existing criminal justice databases do not contain information on the number of persons who may be affected under the revised § 19.2-62. Therefore, the magnitude of the expected impact cannot be computed.

Convictions under § 19.2-62 are not currently covered by the sentencing guidelines as the primary offense but augment the guidelines recommendation when a covered offense is the most serious at conviction. 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 is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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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.