

Department of Planning and Budget 2004 Fiscal Impact Statement

1. Bill Number HB 660

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron Bell

3. Committee Passed both houses

4. Title Aggravated sexual battery

5. Summary/Purpose:

Under current law, one of the following factors is a necessary component for the offense of aggravated sexual battery committed through the use of the victim's mental incapacity:

- The victim is 13 or 14 years old;
- The offense resulted in serious bodily or mental injury to the victim; or
- The offender used or threatened to use a dangerous weapon.

The proposed legislation would make the sexual abuse of a person through the use of that person's mental incapacity, in and of itself without any other factors to be considered, an instance of aggravated sexual battery, a felony punishable by a sentence of one to twenty years.

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

7. Budget amendment necessary: None.

8. Fiscal implications:

By expanding the definition of aggravated sexual battery, the proposed legislation may result in additional offenders committed to the state's correctional facilities. However, the Virginia Criminal Sentencing Commission has concluded that the databases available are not sufficient to enable it to project the number, if any, of additional convictions that might result from the legislation. Therefore, the extent of the possible 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

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cc: Secretary of Finance