

## Department of Planning and Budget 2005 Fiscal Impact Statement

**1. Bill Number** HB 2247

<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** Aggravated sexual battery

**5. Summary/Purpose:**

State law provides for a term of 1 to 20 years in prison for aggravated sexual battery. Under current law, if the victim is physically helpless, in addition to sexual abuse, at least one of the following elements had to be present in order for the offender to be convicted of aggravated sexual battery:

- a. the victim was 13 to less than 15 years old;
- b. the sexual assault caused serious bodily or mental injury; or
- c. the offender used or threatened to use a dangerous weapon.

The enrolled bill would remove the requirement that one of these other elements exist. The result would be that sexual abuse accomplished through the use of the victim's physical helplessness would constitute aggravated sexual battery.

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

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

**8. Fiscal implications:**

Because the enrolled bill expands the definition of aggravated sexual battery, it could result in additional offenders being housed in prison. However, due to the lack of data, the Virginia Criminal Sentencing Commission has determined, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined.

**9. Specific agency or political subdivisions affected:**

Department of Corrections  
Local and regional jails

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

**11. Other comments:** None.

**Date:** 03/16/05 / rwh

**Document:** G:\LEGIS\Fis-05\HB2247ER.Doc Dick Hall-Sizemore