



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 2308 (Patron – McDougle)

Date Submitted: 1/10/05

LD #: 05-3715408

Topic: Throwing objects from places higher than one story

Proposed Change:

The proposal amends § 18.2-51.3 to specify that “more than one story” refers to a vertical limit of 10 feet or more above ground level. Currently, it is a Class 6 felony for any person, with intent to cause injury to another, to intentionally throw from a balcony, roof top, or other place more than one story above ground level any object capable of causing injury. No height limit is defined in the existing statute.

Current Practice:

According to the FY2002 and FY2003 Pre/Post-Sentence Investigation (PSI) database, there were two convictions for throwing objects from a roof top, etc., with intent to cause injury. Of these, one was sentenced to a jail term of seven months and the other was sentenced to a prison term of four years.

Impact of Proposed Legislation:

By specifying that one story refers to a vertical limit of 10 feet or more above ground level, the proposed changes to § 18.2-51.3 may have an impact on state-responsible (prison) beds. The number of incidents affected by the proposal and the potential increase in felony convictions, if any, cannot be estimated with available data.

Convictions under this section are not currently covered by Virginia’s sentencing guidelines as the primary offense but may augment the guidelines recommendation if a covered offense is the most serious at conviction. No adjustment to the guidelines would be necessary under the proposal.

The Department of Juvenile Justice (DJJ) reports that the proposal is not expected to increase Juvenile Correctional Center (JCC) bed space needs.

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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