



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 2638

Floor Amendment in the Nature of a Substitute (Patron Prior to Substitute – Ebbin)

Date Submitted: 2/24/2005

LD #: 05-3869820

Topic: Failure or refusal to pay wages

Proposed Change:

The proposed legislation amends § 40.1-29 to make it a crime to fail or refuse to pay wages earned. The proposal makes it a Class 1 misdemeanor if the amount of the wages earned and not paid is less than \$10,000 and a Class 6 felony when the value is \$10,000 or more or it is the employer's second or subsequent conviction under this provision.

Impact of Proposed Legislation:

As the proposed legislation creates new crimes not currently defined by the *Code of Virginia*, the proposal may increase the correctional bed space needs of the Commonwealth; however, the number of incidents affected by the proposal and the potential increase in criminal prosecutions cannot be estimated with available data.

If the proposal is adopted, convictions under § 40.1-29 would not be covered by the sentencing guidelines as the primary (most serious) offense but could 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.

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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