



## Impact Analysis on Proposed Legislation

*Virginia Criminal Sentencing Commission*

### **Senate Bill No. 1170** **Amendment in the Nature of a Substitute** **(Patron Prior to Substitute – Stolle)**

**Date Submitted:** 1/27/05

**LD #:** 05-3835820

**Topic:** Age limitations in certain sexual assaults

#### **Proposed Change:**

The proposed legislation amends § 18.2-370 to expand the applicability of indecent liberties statutes to cover any child under the age of 15. This statute currently applies to children under the age of 14.

#### **Analysis:**

According to the fiscal year (FY) 2002 and FY2003 Pre/Post-Sentence Investigation (PSI) database, there were 99 offenders were convicted of taking indecent liberties of a child. Of these, 17% were not sentenced to an active term of incarceration, 33% received a local-responsible (jail) term, and 50% received a state-responsible (prison) term, with a median sentence of 1.8 years.

According to fiscal year (FY) 2003 and FY2004 Local Inmate Data System (LIDS) data, 336 offenders held pre- or post-trial were convicted of misdemeanor sexual battery. Of these, the majority (97%) were sentenced to local-responsible (jail) terms with a median sentence of five months. The data are not sufficiently detailed to determine if any victims in these cases were mentally incapacitated or physically helpless at the time of the offense.

#### **Impact of Proposed Legislation:**

Because the proposed legislation expands the definition of taking indecent liberties with a child, the proposal may have an impact on the state-responsible (prison) bed space needs of the Commonwealth. However, the databases available to the Commission are insufficient to provide information on the number of new felony convictions for either crime that may result under the proposed legislation.

No adjustment to Virginia's 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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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.