



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 1230

(Patron – Jones, D.C.)

LD#: 06-0954364

Date: 01/05/2006

Topic: Tattooing or body piercing of minors

#### Fiscal Impact Summary:

- **State Adult Correctional Facilities:**  
Cannot be determined)
- **Local Adult Correctional Facilities:**  
Cannot be determined
- **Adult Community Corrections Programs:**  
Cannot be determined

- **Juvenile Correctional Centers:**  
None (\$0)
- **Juvenile Detention Facilities:**  
None (\$0)

#### Summary of Proposed Legislation:

The proposal amends § 18.2-371.3 limiting anyone from tattooing a person under the age of 18. Body piercing of a minor would continue to be permissible if the parent or guardian is present at the time of the procedure or if the piercing is part of a medical procedure. The proposed penalty for anyone who illegally tattoos or performs body piercing on a minor increases from a Class 2 misdemeanor to a Class 1 misdemeanor for the first offense. Any second or subsequent violation is increased from a Class 1 misdemeanor to a Class 6 felony.

#### Analysis:

According to the Fiscal Year (FY) 2003 and FY2004 Local Inmate Data System (LIDS), one offender held pre- or post-trial in jail was convicted of a Class 2 misdemeanor for tattooing or performing a body piercing on a minor without a parent or guardian present. The offender was given no active period of incarceration.

#### Impact of Proposed Legislation:

**Adult state correctional facilities.** The proposal will make it illegal for anyone under the age of 18 from obtaining a tattoo, even with the parent or guardian present. As a result, it is unknown if the number of convictions under this proposal would increase since minors, who now can be tattooed when the parent or guardian is present, will not be allowed to be tattooed. Furthermore it is unknown if the number of second or subsequent violations of tattooing a minor will increase. If so, the change in penalty for a second or subsequent offense from a Class 1 misdemeanor to a Class 6 felony may have an impact on state-responsible (prison) beds. The resulting impact on state-responsible beds cannot be determined.

**Adult local correctional facilities.** The proposal may have an impact on local-responsible (jail) bed space needs, but this impact cannot be determined.

**Adult community corrections programs.** Data are insufficient to determine the impact of the proposal on community corrections programs.

**Virginia's sentencing guidelines.** Convictions under § 18.2-371.3 are not covered by Virginia's sentencing guidelines as the primary offense (most serious) 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.

**Juvenile correctional centers.** According to the Department of Juvenile Justice (DJJ), the proposal is not expected to increase juvenile correctional center (JCC) bed space needs.

**Juvenile detention facilities.** The Department of Juvenile Justice (DJJ) reports that the proposal is not expected to increase juvenile detention facilities bed space needs.

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**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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