



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1264

(Patron – Janis)

LD #: 06-1170348

Date: 12/9/2005

Topic: Timetable for reregistration as a sex offender

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:**
Cannot be determined
- **Juvenile Detention Facilities:**
Cannot be determined

Summary of Proposed Legislation:

The proposal amends § 9.1-904 relating to the timetable for reregistration as a sex offender with the Sex Offender and Crimes Against Minors Registry.

Currently, § 9.1-904 states that every person who is required to register, other than those convicted of sexually violent offenses, must reregister with the State Police on an annual basis from the date of the initial registration. Those who have been convicted of sexually violent offenses must reregister with the State Police every 90 days from the date of the initial registration.

Under the proposal, § 9.1-904 would be amended to require those who do not have a sexually violent offense to reregister in person every June 15 with their local law enforcement agency. However, those who have been convicted of a sexually violent offense would be required to reregister in person every September 15, December 15, March 15 and June 15 with their local law enforcement agency.

The proposal also adds subsection (B) to § 9.1-904 requiring the chief law enforcement officer in each jurisdiction to forward to the State Police with 48 hours information obtained from the registrants, and a list of persons who failed to reregister.

Analysis:

As of August 24, 2005, the Sex Offender and Crimes Against Minors Registry (SOR) contains the names of 11,950 offenders living in Virginia. Most (82%) are registered as sexually violent offenders (defined in § 9.1-902), for whom failing to comply with Registry requirements is a Class 6 felony. For the remainder (18%), failing to comply with the Registry as required is a Class 1 misdemeanor.

Based on the fiscal year (FY) 2003 and FY2004 Local Inmate Data System (LIDS), 94 offenders held pre- or post-trial in jail were convicted of a Class 1 misdemeanor for failing to register, while 168 were convicted of a Class 6 felony for failing to register for a sexually violent offender. Of those convicted of the misdemeanor offense, 89% received local-responsible (jail) terms, with a median sentence of

approximately two months. Another 2% of offenders, convicted of additional charges, received state-responsible (prison) terms, with a median sentence of nearly 14 years. Of those convicted of the felony offense, 69% received local-responsible (jail) terms, with a median sentence of 6 months, and nearly 21% were sentenced to a state-responsible (prison) term, with a median sentence of 1.7 years.

Impact of Proposed Legislation:

Adult state correctional facilities. The proposed legislation does not change the frequency with which convicted sex offenders must reregister. The proposal does, however, require that registration take place in person at the local law enforcement agency. Thus, more intensive tracking of convicted sex offenders at the local level may result in more convictions for failing to reregister. In this respect, the proposed legislation may increase the need for state-responsible (prison) bed space by the Commonwealth. However, existing databases do not provide sufficient information to estimate the number of convictions that would be likely to occur under the proposal. Therefore, the magnitude of the increase cannot be quantified.

Adult local correctional facilities. The proposal may increase the local-responsible (jail) bed space needs, but the number of additional beds cannot be determined.

Adult community corrections programs. The proposed legislation may increase the adult community corrections programs needs, but the impact cannot be determined.

Virginia's sentencing guidelines. Failing to register with the Sex Offender and Crimes Against Minors Registry is not an offense covered by Virginia's sentencing guidelines as the primary (most serious) offense at conviction. However, convictions under the proposed statute 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. The Department of Juvenile Justice (DJJ) reports that the proposed legislation is not expected to have an impact on juvenile correction centers (JCC).

Juvenile detention facilities. According to the Department of Juvenile Justice, the proposed legislation is not expected to have an impact on juvenile detention facilities.

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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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