



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 1406

(Patron – Carrico)

LD#: 06-7022264

Date: 11/3/2005

Topic: Solicitation of a minor for prostitution

#### Fiscal Impact Summary:

- **State Adult Correctional Facilities:**  
Negligible (\$0)
- **Local Adult Correctional Facilities:**  
Negligible (\$0)
- **Adult Community Corrections Programs:**  
Negligible (\$0)

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

#### Summary of Proposed Legislation:

Amends § 18.2-346 to increase the penalty of any person who solicits another, under the age of 18, for the purpose of engaging in adultery, fornication or a crime against nature 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), 167 offenders held pre- or post-trial in jail were convicted of a Class 1 misdemeanor for soliciting a prostitute under § 18.2-346; nearly all of these offenders (96%) received a local-responsible (jail) term (median sentence of four months).

According to the Calendar Year (CY) 2004 Incident Based Reporting (IBR) data, 646 persons were arrested for prostitution; only one of those arrested was reported as being under the age of 18.

#### Impact of Proposed Legislation:

**Adult state correctional facilities.** Because the proposed legislation increases the penalty for soliciting a minor from a Class 1 misdemeanor to a Class 6 felony, the proposal will increase state-responsible (prison) bed space needs. However, the measurable increase is negligible (.12 bed).

**Adult local correctional facilities.** The proposal will reduce local-responsible (jail) bed space needs. However, the measurable decrease is negligible (-.01 bed).

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

**Virginia's sentencing guidelines.** The new crime defined by the proposal would not be covered by Virginia's sentencing guidelines as the primary (or most serious) offense in a case; 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.** 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 is \$0 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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