



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1557 (Patron – Bell)

LD #: 06-1354232

Date: 1/20/2006

Topic: Work and volunteer activity restrictions for certain sex offenders

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 adds § 18.2-370.3 to prohibit any adult previously convicted of a violation of §§ 18.2-61, 18.2-67.1, or 18.2-67.2 from working or engaging in any volunteer activity on property he knows or has reason to know is a public or private elementary or secondary school or child day center property. A violation of this section is punishable as a Class 6 felony. Furthermore, any employer of a person who violated this section in the course of such person's employment and the school or child day center where the violation occurred are immune from civil liability unless they had actual knowledge that such person had been convicted of a violation of §§ 18.2-61, 18.2-67.1, or 18.2-67.2.

Currently, except by court order in individual cases, sex offenders are not prohibited from employment with a public or private elementary or secondary school or child day care center.

Analysis:

According to fiscal year (FY) 2002 and FY2003 Pre/Post-Sentence Investigation (PSI) data, 517 offenders were convicted of rape, forcible sodomy or object sexual penetration in violation of §§ 18.2-61, 18.2-67.1, or 18.2-67.2. Nearly all (92%) of these offenders received a prison term where the median prison sentence (the middle value, where half the sentences were higher and half were lower) was 12 years. However, data available to the Commission do not contain sufficient detail to identify the number of incidents in which persons previously convicted of these crimes have obtained employment with a public or private elementary or secondary school or child day care center.

Impact of Proposed Legislation:

State adult correctional facilities. By creating a new felony offense, the proposed legislation may increase the state-responsible (prison) bed space needs of the Commonwealth; however, the magnitude of the impact cannot be determined.

Local adult correctional facilities. Because the proposal defines a new felony, there may be an increased need for local-responsible (jail) beds under the proposal; however, the magnitude of the impact cannot be determined.

Adult community corrections programs. Because the proposal creates a new crime not currently defined by the *Code*, there may be an impact on community corrections resources. This impact cannot be quantified.

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 the bed space needs of 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 is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

sexemploy02_1354