

Department of Planning and Budget 2006 Fiscal Impact Statement

1. Bill Number HB846

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron Albo

3. Committee Courts of Justice

4. Title Sex crimes; penalties.

5. Summary/Purpose:

The proposed bill would increase the sentences for persons convicted of sexual assault of children. It would also require sex offenders to be placed on probation for longer periods of time.

Under current law, a person convicted of the rape, forcible sodomy, or object sexual penetration of a person under 13 years old is subject to a sentence ranging from five years to life imprisonment. The proposed legislation would impose a mandatory minimum sentence of 25 years for such offenses if the offender were more than three years older than the victim.

The bill would require increased suspended sentences for the following offenses:

- Abduction with the intent to defile; or for the rape, forcible sodomy, or object sexual penetration of a child—If the imposed sentence is for less than life imprisonment, then in addition to any active sentence, a suspended sentence of at least 40 years, which shall remain suspended for life.
- Abduction, rape, and other sexual offenses—If any portion of the sentence is suspended, the period of suspension shall be at least equal to the statutory maximum for which the offender might have been imprisoned. (The statutory maximum sentences for these offenses range from 5 years to life.)
- Rape, forcible sodomy, or object sexual penetration of a child—Any suspended sentence must be for life, but at least three years of probation shall be active supervision, with the offender subject to GPS monitoring by the Department of Corrections.

6. Fiscal Impact Estimates are: Preliminary. See Item 8.

7. Budget amendment necessary: Yes. Item 387.

8. Fiscal implications:

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$2,218,729 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in 93 additional inmates being incarcerated in prison.

In addition to the impact on prison bed space, the proposed legislation could result in additional probation and parole costs for the Department of Corrections (DOC). In addition to any terms of imprisonment imposed, it would require judges to impose longer suspended sentences for persons convicted of sexual assault offenses. If the judges also use their discretion to impose longer periods of active supervision of these offenders while on probation, the bill could result in higher caseloads for probation and parole officers. However, it is not possible at this time to project the potential increase.

The bill also would require that those offenders convicted of rape, forcible sodomy, or object sexual penetration of a child be placed on active probation supervision for at least three years after serving their sentences. Furthermore, for at least three years while on probation, the offenders shall be subject to GPS monitoring and tracking. Under the current contract DOC has for GPS tracking, active tracking costs \$10 per day per offender. In addition to the contractual tracking costs, GPS monitoring adds to the workload of probation and parole officers who must respond to alerts, which often are “false” alerts. For example, if an offender passes within 100 feet of a school while riding a bus, the GPS system would send out an alert. Therefore, once there are several offenders subject to GPS tracking in a jurisdiction, there will be a need for additional probation and parole officers. However, because the bill would impose a mandatory minimum sentence of 25 years on such offenders, any fiscal impact on DOC resulting from this aspect of the bill would not be felt for many years.

9. Specific agency or political subdivisions affected:

Department of Corrections
Circuit courts

10. Technical amendment necessary: None.

11. Other comments: None.

Date: 02/06/06 / initials

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