

## Department of Planning and Budget 2006 Fiscal Impact Statement

**1. Bill Number** HB846

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

**2. Patron** Albo

**3. Committee** Passed both houses

**4. Title** Sex offenders

**5. Summary/Purpose:**

The legislation provides for a minimum mandatory sentence of 25 years for persons convicted of rape, forcible sodomy, or object sexual penetration of a child under age 13, if the offender were more than three years older than the victim and the offense were committed during the commission of, or subsequent to, certain other sex-related offenses. Currently, the penalties for these offenses range from five years to life in prison, but there is no minimum mandatory sentence for them. In addition, any such offender would be prohibited from working or engaging in volunteer work in any school.

For the offenses listed below, the proposed legislation would that, in cases in which some portion of the sentence is suspended, the period of suspension be for a length of time equal to the statutory maximum sentence:

- Abduction with intent to defile;
- Rape;
- Forcible sodomy;
- Object sexual penetration;
- Aggravated sexual battery;
- Taking indecent liberties with children; and
- Taking indecent liberties with child by person in custodial or supervisory relationship.

Finally, for offenders convicted rape, forcible sodomy, or object sexual penetration of a child under the age of 13, any suspended sentence must include at least three years of active supervision by the Department of Corrections, with the offender subject to GPS monitoring during that time.

**6. Fiscal Impact Estimates are:** Final. See Item 8.

**7. Budget amendment necessary:** No.

**8. Fiscal implications:**

The proposed legislation could result in additional inmates in prison. However, due to the lack of data, the Virginia Criminal Sentencing Commission has reported, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined.

In addition to a possible 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 it is likely that such offenders will receive long sentences that must be served before they are subject to such monitoring, 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:**

The provisions of this legislation are included in SB 559.

**Date:** 03/30/06 / rwh

**Document:** G:\LEGIS\Fis-06\HB846ER.DOC Dick Hall-Sizemore