



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 985

(Patron – Shannon)

LD #: 06-4261504

Date: 1/10/2006

Topic: Offenses requiring registration with the Sex Offender Registry

#### Fiscal Impact Summary:

- **State Adult Correctional Facilities:**  
None (\$0)
- **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 amends § 9.1-902 by adding as an offense requiring registration with the Sex Offender and Crimes Against Minors Registry (SOR) any criminal homicide that occurs in conjunction with child abuse and neglect (§ 18.2-371.1) or contributing to the delinquency of a minor (§ 18.2-371(i)). Currently, § 9.1-902 includes murder of a minor as an offense requiring registration. Failing to register or reregister with the SOR would be a Class 1 misdemeanor if the underlying convictions involved murder with an additional offense of child abuse and neglect or contributing to the delinquency of a minor.

#### Analysis:

According to fiscal year (FY) 2002 and FY2003 Pre/Post-Sentence Investigation (PSI) data, there were 14 convictions involving murder with an additional offense of child abuse and neglect under § 18.2-371.1. The majority (57%) were sentenced for felony murder which is punishable up to 40 years in prison. Nearly all (93%) of the offenders convicted of murder and child abuse were sentenced to state-responsible (prison) time, with a median sentence of 15 years.

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.

#### Impact of Proposed Legislation:

**Adult state correctional facilities.** The proposal expands the applicability of an existing misdemeanor; therefore no impact is anticipated on the need for state-responsible (prison) bed space by the Commonwealth.

**Adult local correctional facilities.** By expanding the number of offenders for which an existing misdemeanor may be applied, the proposal will increase the local-responsible (jail) bed space needs, but the magnitude of the impact 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 as a sex offender is not covered by Virginia's sentencing guidelines as the primary offense in a case; however, convictions 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), no impact is expected on juvenile correctional centers (JCC) bed space needs.

**Juvenile detention facilities.** The Department of Juvenile Justice (DJJ) reports that no impact is expected on 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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