



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 170

(Patron – Quayle)

LD#: 06-1209800

Date: 12/26/2005

Topic: Issuing a bad check for child support

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 amends §§ 18.2-181 and 18.2-182 to explicitly include bad checks issued for the payment of child support. Currently, § 18.2-181 makes it a Class 6 felony for a person to issue a check, draft or order that has a represented value of \$200 or more knowing that there is insufficient funds; if the value represented is less than \$200, then the crime is a Class 1 misdemeanor. Similarly, § 18.2-182 makes it a Class 6 felony for a person to issue a bad check on behalf of any business firm or corporation for the purpose of paying wages or paying for any labor performed for the firm or corporation, knowing that there are insufficient funds or credit for payment, if the represented value is \$200 or more; if the represented value is less than \$200, the crime is a Class 1 misdemeanor.

Prior to July 1, 2005, the value represented on a bad check in violation of § 18.2-182 did not change the penalty structure; all such violations were Class 1 misdemeanors.

Analysis:

According to fiscal years (FY) 2002 and 2003 Pre/Post-Sentence Investigation (PSI) data, there were 405 convictions for the felony provision of § 18.2-181. A majority (55%) received some form of incarceration; 30% were sentenced to a local-responsible (jail) term with a median term of 10 days, while 25% were sentenced to a state-responsible (prison) term with a median sentence of 1.6 years. There is no comparable data available on the felony provision of § 18.2-182 at this time.

Based on FY2003 and FY2004 Local Inmate Data System (LIDS) data, there were 780 offenders held pre- or post-trial who were also convicted under § 18.2-181. The median jail term was 30 days.

Based on the same two years of LIDS data, there were five offenders held pre- or post-trial convicted under § 18.2-182 as it was enacted prior to July 1, 2005. The median jail term was six months.

Impact of Proposed Legislation:

State adult correctional facilities. By expanding the applicability of two existing felonies, the state-responsible (prison) bed space needs may increase; however, the magnitude of the increase cannot be determined.

Local adult correctional facilities. By expanding the applicability of four crimes (two felony, two misdemeanor), the proposal may have an effect on the need for additional local-responsible (jail) beds, but this impact cannot be determined.

Adult community corrections programs. The proposal may have an impact on community corrections programs, but the magnitude cannot be determined.

Virginia's sentencing guidelines. Violation of the felony provision of § 18.2-181 is covered by Virginia's sentencing guidelines. None of the other offenses changed by the proposal would be covered by Virginia's sentencing guidelines as the primary (most serious) offense at conviction, but may appear as additional offenses that augment the guidelines recommendation. No adjustment to the guidelines is 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 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.

childsupp01_1209