



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 183

Amendment in the Nature of a Substitute

(Patron Prior to Substitute – Puller)

LD#: 06-4626820

Date: 1/23/2006

Topic: Brandishing a machete

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:**
Cannot be determined
- **Juvenile Detention Facilities:**
Cannot be determined

Summary of Proposed Legislation:

The proposed legislation adds § 18.2-282.1 making it unlawful for any person to point, hold or brandish a machete or any weapon with an exposed blade 12 inches or longer in such a manner as to induce fear in the mind of another of being cut, maimed or injured. However, this section shall not apply to any person engaged in justifiable self-defense. Any person violating this section shall be guilty of a Class 1 misdemeanor; however, if the violation occurs upon the property of any public or private school or upon public property within 1,000 feet of such school property, the offender shall be guilty of a Class 6 felony.

Analysis:

Criminal justice databases have insufficient detail to distinguish machetes or weapons with an exposed blade of 12 inches or longer.

Impact of Proposed Legislation:

State adult correctional facilities. By creating a new offense, the proposal may have an impact on the correctional bed space needs of the Commonwealth; however, the databases available to the Commission are insufficiently detailed to identify the number of new crimes that would accrue under the proposed § 18.2-282.1. Therefore, the resulting impact on state-responsible (prison) beds cannot be determined.

Local adult correctional facilities. The proposal may have an impact on local-responsible (jail) bed space; however, the impact cannot be determined.

Adult community corrections programs. The impact on adult community corrections programs cannot be determined.

Virginia's sentencing guidelines. Convictions under the proposed § 18.2-282.1 would not be covered by Virginia's sentencing guidelines as the primary offense (most serious) but may augment the guidelines recommendation if a covered offense is the most serious at conviction. No adjustment to the sentencing guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), the effect of the proposal on juvenile correctional center (JCC) bed space needs cannot be determined.

Juvenile detention facilities. The Department of Juvenile Justice reports that the effect of the proposal on the bed space needs of juvenile detention facilities cannot be determined.

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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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