



## Impact Analysis on Proposed Legislation

### Virginia Criminal Sentencing Commission

#### Senate Bill No. 291 *Amendment in the Nature of a Substitute* *(Patron Prior to Substitute – Cuccinelli)*

LD #: 06-4880720

Date: 2/2/2006

Topic: Extorting money by threat

#### 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 § 18.2-59 to include the threat to report a person as being illegally present in the United States as a means to extort money, property, or other pecuniary benefit. Currently, the threats for the purpose of extortion that are covered by § 18.2-59 include the threat to injure the character, person or property of another and the threat to accuse another of any offense; the crime is a Class 5 felony.

#### Analysis:

According to fiscal year (FY) 2002 and FY2003 Pre/Post-Sentence Investigation (PSI) data, there were two convictions under § 18.2-59 as the primary (most serious) offense at conviction. Both were given state-responsible (prison) sentences (1 year and 2 years).

#### Impact of Proposed Legislation:

**State adult correctional facilities.** Because the proposed legislation expands the applicability of an existing crime, the proposal may have an impact on the future state-responsible (prison) bed space needs of the Commonwealth. The magnitude of the impact, however, cannot be determined.

**Local adult correctional facilities.** The proposal may also increase the local-responsible (jail) bed space needs of the Commonwealth but the impact cannot be determined.

**Adult community corrections programs.** Because the proposal may result in additional offenders placed on community supervision, the proposal may have an impact on community corrections resources. The potential impact on adult community corrections cannot be determined.

**Virginia's sentencing guidelines.** Convictions under § 18.2-59 would not be covered by the sentencing guidelines as the primary (or most serious) offense but 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), the proposal is not expected to increase juvenile correctional center (JCC) bed space needs.

**Juvenile detention facilities.** The Department of Juvenile Justice (DJJ) reports that the proposal is not expected to increase the bed space needs of juvenile detention facilities.

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**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.**

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