



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 375

(Patron – McDougle)

LD#: 06-3037408

Date: 12/27/2005

Topic: 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 to include as an offense requiring registration with the Sex Offender and Crimes Against Minors Registry (SOR), violations or attempted violations of clause (iv) of subsection B of § 18.2-374.3 (using a communications system to solicit a minor for indecent liberties) when a law-enforcement officer has represented that he is under the age of 18 during the course of an undercover investigation. Currently, offenders convicted under subsection B of § 18.2-374.3 must register with SOR, but the statute is silent if the person with whom the offender was communicating with, was in actuality a law-enforcement officer involved in an undercover investigation.

The penalty is a Class 1 misdemeanor for offenders required to register who fail to register or reregister with SOR, or who provide materially false information to SOR.

Analysis:

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.

Based on the fiscal year (FY) 2003 and FY2004 Local Inmate Data System (LIDS), 94 offenders held pre- or post-trial in jail were convicted of a Class 1 misdemeanor for failing to register. The median local-responsible (jail) term was 60 days.

Impact of Proposed Legislation:

State adult correctional facilities. The proposal does not affect state-responsible (prison) bed space needs.

Local adult correctional facilities. The proposal affects the number of offenders who may be sentenced with a local-responsible (jail) sentence, but the magnitude of the impact cannot be determined.

Adult community corrections programs. The proposal may affect adult community corrections programs, but the impact cannot be quantified.

Virginia's sentencing guidelines. Convictions for misdemeanors are not covered by Virginia's sentencing guidelines but may augment the recommendation if the most serious offense at conviction is a covered offense. No adjustment to the sentencing guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ) the proposal will not have an impact on juvenile correctional centers (JCC) bed space needs.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal will not have an impact on juvenile detention facilities bed space needs.

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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