



## Fiscal Impact Statement for Proposed Legislation

### *Virginia Criminal Sentencing Commission*

#### House Bill No. 1018

(Patron – Hurt)

LD #: 06-3028160

Date: 12/12/2005

Topic: Capital murder of a justice or judge

#### Fiscal Impact Summary:

- **State Adult Correctional Facilities:**  
None (\$0)
- **Local Adult Correctional Facilities:**  
None (\$0)
- **Adult Community Corrections Programs:**  
None (\$0)

- **Juvenile Correctional Centers:**  
None (\$0)
- **Juvenile Detention Facilities:**  
None (\$0)

#### Summary of Proposed Legislation:

The proposal amends § 18.2-31 to make it a capital offense, punishable by life imprisonment or death, for any person to willfully, deliberately and with premeditation kill a justice or judge of any Virginia court, when such killing is related to his official duties.

Currently, there are no provisions in Virginia's homicide statutes mandating specific penalties when the victim is a judge. However, individuals committing this crime can be convicted of first-degree murder, a Class 2 felony under § 18.2-32.

#### Analysis:

According to fiscal year (FY) 2002 and 2003 Pre/Post Sentence Investigation (PSI) data, 25 offenders were convicted of completed capital murder under § 18.2-31. Of these, 15 offenders (60%) were sentenced to life imprisonment and 10 (40%) received the death penalty.

The FY2002 and FY2003 PSI data also yielded 184 convictions for completed first-degree murder under § 18.2-32. All of these offenders were sentenced to state-responsible (prison) terms (median sentence of 40 years).

#### Impact of Proposed Legislation:

**State adult correctional facilities.** The proposed legislation is unlikely to have an impact on the bed space needs of the Commonwealth within the six-year window specified in § 30-19.1:4 for legislative impact statements. Expanding the definition of capital murder to include the premeditated killing of a judge would result in longer prison sentences or death sentences for offenders convicted of this crime. However, the median sentence for a first degree murder is 40 years; the impact on bed space would only begin to be felt by the correctional system after the ordinary term for a first degree murder had been satisfied. Furthermore, although the databases available to the Commission are insufficiently detailed to provide information on the number of cases that may be affected by the proposal, it is felt that this number will be very small.

**Local adult correctional facilities.** No impact on local-responsible (jail) bed space needs in Virginia is expected; these are offenders who serve their time in prison.

**Adult community corrections programs.** No impact on adult community corrections programs is expected within the six-year window established for impact analyses.

**Virginia's sentencing guidelines.** The sentencing guidelines do not cover capital murder offenses defined in § 18.2-31. Attempted capital offenses are covered by the guidelines when there is an accompanying conviction for a crime with a maximum penalty of life imprisonment; in those situations, the attempted capital murder is an additional offense that augments 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 (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 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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