



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 1777

#### *Amendment in the Nature of a Substitute*

#### *(Patron Prior to Substitute – Cosgrove)*

LD#: 07-7020276

Date: 1/12/2007

Topic: Concealment of a dead body

#### 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 adds § 18.2-323.02 to prohibit any person from transporting, concealing, desecrating or altering a dead body with malicious intent and to prevent the detection of the death or the manner or cause of death. The proposed crime is a Class 6 felony.

#### Analysis:

According to Local Inmate Data System (LIDS) data from calendar years (CY) 2004 and 2005, there were two misdemeanor convictions for disposal of a dead body on public or private property in violation of § 18.2-323.01. One offender was sentenced to 12 months and the other to 3 months for this Class 1 misdemeanor. Data are not available to determine if the bodies were disposed of to prevent detection of the death or cause of death.

In 2005, the General Assembly amended § 18.2-462 to make it a Class 6 felony to conceal or destroy physical evidence of a crime committed against a person. Conviction data are not yet available for this new provision.

#### Impact of Proposed Legislation:

**State adult correctional facilities.** Because it creates a new felony offense, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. The magnitude of the impact, however, cannot be quantified with existing data.

**Local adult correctional facilities.** The proposal may increase local-responsible (jail) bed space needs. The magnitude of the impact cannot be quantified with existing data.

**Adult community corrections resources.** Because the proposal could result in felony convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase

the need for adult community corrections resources. Since the number of cases that may be affected by the proposal cannot be determined, the potential impact on community corrections resources cannot be quantified.

**Virginia's sentencing guidelines.** As new crimes, convictions under § 18.2-323.02 would not be covered by the sentencing guidelines as the primary (most serious) offense at conviction. If enacted, however, convictions under this statute may augment the guidelines recommendation when 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. Nonetheless, if a juvenile offender were to be convicted under the proposal, a judge could commit the juvenile to DJJ, where the minimum confinement assigned under the Department's Length of Stay (LOS) guidelines would be 6 to 12 months.

**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.

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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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