



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 2344

Enrolled

(Patron Prior to Enrollment – Bell, et al.)

LD#: Enrolled

Date: 2/28/2007

Topic: Sex offenses prohibiting entry onto school property

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 § 18.2-370.5 to prohibit any adult who has been convicted of a sexually violent offense, as defined by § 9.1-902, from entering any property he knows or has reason to know is a public or private elementary or secondary school or child day center during school hours, unless he is legally voting on such property, he is a student enrolled at the school, or he has received an order from a circuit court allowing him to enter such property. A violation of § 18.2-370.5 would be punishable as a Class 6 felony. Under the proposal, petitions for permission to enter school property may be filed with the juvenile and domestic relations court or the circuit court where the school or child day center is located. For petitions filed in juvenile and domestic relations court, jurisdiction shall be concurrent with, and not exclusive of, circuit courts; the petition must be preceded by notice to the attorney for the Commonwealth and a specified person representing the school or child day center. For petitions filed in juvenile and domestic relations court, jurisdiction shall be concurrent with, and not exclusive of, circuit courts.

Currently, it is a Class 6 felony under § 18.2-370.2 for adults convicted of certain offenses (e.g., kidnapping of a minor, rape, etc.) from loitering within 100 feet of a school. The 2006 General Assembly expanded this provision to cover child day centers. In addition, the 2006 General Assembly added § 18.2-370.3, to make it a Class 6 felony for an offender who has been convicted of certain sex offenses to reside within 500 feet of any place he knows or has reason to know is a school or child day center. The 2006 General Assembly also added § 18.2-370.4, making it a Class 6 felony for certain sex offenders to work or volunteer at any school or child day center. These provisions became effective July 1, 2006, and apply to crimes committed on or after that date.

Analysis:

According to calendar year (CY) 2004 and CY2005 Pre-Sentence Investigation (PSI) data, there were no convictions under § 18.2-370.2 for loitering near a school. Data for offenders convicted under §§ 18.2-370.3 and 18.2-370.4 are not yet available.

Impact of Proposed Legislation:

State adult correctional facilities. By creating a new felony, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. The number of additional felony convictions that may result from the proposal cannot be estimated; therefore, the magnitude of the impact cannot be determined.

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

Adult community corrections programs. 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 cannot be quantified.

Virginia's sentencing guidelines. No adjustment to Virginia's sentencing 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 reports that the proposal is not expected to increase the bed space needs of juvenile detention facilities.

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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