

Department of Planning and Budget 2007 Fiscal Impact Statement

1. Bill Number HB 2429

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron Albo

3. Committee Passed both houses

4. Title Prosecution of crimes by Attorney General; acts of terrorism

5. Summary/Purpose:

Except in certain specified circumstances, the Attorney General does not have authority to institute or conduct criminal prosecutions in the state's circuit courts. The enrolled bill would authorize the Attorney General, with the concurrence of the local attorney for the Commonwealth, to assist in the prosecution of gang and terrorism crimes that are committed on the grounds of a state correctional facility.

The enrolled bill also expands the penalties associated with acts of terrorism. Currently, it is a Class 2 or Class 3 felony, depending on the seriousness of the offense, to commit or conspire to commit an act of terrorism. The enrolled bill would make it a Class 4 felony to solicit, recruit, encourage, or otherwise cause another to participate in an act of terrorism.

6. Fiscal Impact: Final. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

For someone convicted of a Class 4 felony, the penalty is a sentence 2 to 10 years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to prison.

Due to the lack of data, the Virginia Criminal Sentencing Commission has determined, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined.

It is not anticipated that the provision expanding the authority of the Attorney General to prosecute criminal cases in circuit courts will have a fiscal impact on that office.

9. Specific agency or political subdivisions affected:

Department of Corrections
Office of the Attorney General

10. Technical amendment necessary: None.

11. Other comments: None.

Date: 03/03/2007 / rwh

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