



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 2532

Amendment in the Nature of a Substitute (Patron Prior to Substitute – Landes)

LD#: 07-7808376

Date: 1/18/2006

Topic: Unintentionally cause miscarriage or stillbirth

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:**
Cannot be determined
- **Juvenile Detention Facilities:**
Cannot be determined

Summary of Proposed Legislation:

The proposal adds § 18.2-36.3 to specify that any person who, while engaged in wanton and willful conduct that shows reckless disregard for the safety of others, causes injury to another person who is pregnant and that injury results in a miscarriage or stillbirth is guilty of a Class 5 felony punishable by imprisonment of 1 to 10 years.

Analysis:

There is no data available on the number of miscarriages or stillbirths caused by the conduct described in the proposed crime.

Impact of Proposed Legislation:

State adult correctional facilities. Because it defines a new felony, the proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. The magnitude of impact cannot be quantified, however, because the new crime includes several specific elements for which no information is available.

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

Adult community corrections programs. The proposal may increase the need for adult community corrections programs, but the magnitude of the impact cannot be determined.

Virginia's sentencing guidelines. The new crime defined by the proposal would not be covered by the guidelines as the primary (or most serious) offense in a case but could augment the guidelines recommendation if 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 may increase juvenile correctional center (JCC) bed space needs, but the magnitude of the impact cannot be determined. If a juvenile were committed to DJJ for the proposed felony, 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 may increase the bed space needs of juvenile detention facilities, but the magnitude of the impact cannot be determined.

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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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