



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 2622

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

LD#: 07-7028488

Date: 1/23/2007

Topic: Harboring illegal aliens

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
- **Juvenile Detention Facilities:**
None

Summary of Proposed Legislation:

The proposal adds § 18.2-511.1 specifying that any person who, as a part of a commercial enterprise and with the purpose of violating the immigration laws of the U.S., transports, moves, conceals, or shields from detection someone known to be an alien, or conspires to do any of the previous acts, is guilty of a Class 6 felony.

Analysis:

The Pew Hispanic Center has estimated the number of unauthorized migrants living in the 50 states and the District of Columbia based on data from the Current Population Survey (CPS), a monthly survey conducted jointly by the U.S. Bureau of Labor Statistics and the Census Bureau. The Center's analysis of the March 2005 CPS revealed that there were an estimated 11.1 million unauthorized migrants in the United States in 2005.¹ Although precise estimates for each state could not be computed, the size of the unauthorized population in Virginia was projected to be between 250,000 and 300,000.

According to the Local Inmate Data System (LIDS), which contains data on all persons entering and exiting local and regional jails in Virginia, there were 4,177 and 5,502 commitments to jail in CY2004 and CY2005, respectively, of individuals who were not U.S. citizens and who were subsequently released to federal authorities.

Recent data regarding immigration violations prosecuted in Virginia's federal courts were obtained from federal sentencing data provided by the United States Sentencing Commission. A total of 207 violations were recorded during federal fiscal years (FY) 2002 and 2003; 185 of these (89%) came from

¹ Size and Characteristics of the Unauthorized Migrant Population in the U.S.: Estimates Based on the March 2005 Current Population Survey (<http://pewhispanic.org/reports/report.php?ReportID=61>)

the Eastern Virginia district and 22 (11%) came from the Western Virginia district. The number of federal cases increased substantially during the last two years of available data.

Impact of Proposed Legislation:

State adult correctional facilities. Because it creates a new felony potentially affecting a large number of individuals, 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 on prison beds cannot be determined.

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

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. Convictions under the proposed § 18.2-511.1 would not be covered by the sentencing guidelines as the primary (or most serious) offense in a case. If enacted, however, convictions under this statute may augment the guidelines recommendation when a covered offense is the most serious at sentencing.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), the proposal is not expected to have an impact on juvenile correctional centers.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal is not expected to have an impact on 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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