



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

House Bill No. 2648

Engrossed

(Patron Prior to Engrossment – Jones, S.C.)

LD#: 07-8028366

Date: 2/6/2007

Topic: Producing abortion or miscarriage

#### Fiscal Impact Summary:

- **State Adult Correctional Facilities:**  
Cannot be determined; likely to be negligible
- **Local Adult Correctional Facilities:**  
Cannot be determined; likely to be negligible
- **Adult Community Corrections Programs:**  
Cannot be determined; likely to be negligible

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

#### Summary of Proposed Legislation:

The proposal amends § 18.2-71, which prescribes penalties for causing, with intent to destroy the unborn child, an abortion or miscarriage. Under the proposal, language defining the crime is changed to allow the woman carrying the fetus to be prosecuted under this statute. The crime would remain a Class 4 felony under the proposal. The proposal also provides an exception if the person used any medically approved contraceptive.

#### Analysis:

No convictions under the existing § 18.2-71 can be identified in Pre/Post-Sentence Investigation data for CY2004-CY2005.

#### Impact of Proposed Legislation:

**State adult correctional facilities.** The proposal may increase the state-responsible (prison) bed space needs of the Commonwealth because it expands an existing crime. While the magnitude of the impact cannot be quantified with existing data, it is expected to be negligible.

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

**Adult community corrections resources.** The proposal may increase the need for adult community corrections resources, but the impact is expected to be negligible.

**Virginia's sentencing guidelines.** Convictions under § 18.2-71 are not covered by the sentencing guidelines as the primary (most serious) offense at conviction. However, convictions under this statute

may 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 quantified. For juveniles committed to DJJ for this offense, the minimum length of stay range would be 6 to 12 months under the Department's Length of Stay (LOS) guidelines.

**Juvenile detention facilities.** The Department of Juvenile Justice reports that the proposal may 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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

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