



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 429

(Patron – Nutter)

LD #: 06-0889436

Date: 1/3/2006

Topic: Arson of an unoccupied school or church

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 amends § 18.2-77 to increase the penalty for arson of an unoccupied public school building or church from a Class 4 to a Class 3 felony. Currently, arson of any unoccupied building mentioned in subsection A of § 18.2-77, including schools and churches, is a Class 4 felony with a maximum penalty of ten years incarceration. The proposal would increase the statutory maximum to twenty years for arson of an unoccupied public school building or church.

Analysis:

According to fiscal year (FY) 2002 and 2003 Pre/Post Sentence Investigation (PSI) data, there were ten cases resulting in conviction for arson of an unoccupied building under § 18.2-77. Two of the ten cases were sentenced to no active incarceration; four were sentenced to a local-responsible (jail) term with a median sentence of 8.5 months; and, four were sentenced to a state-responsible (prison) term with a median sentence of 4 years.

Impact of Proposed Legislation:

State adult correctional facilities. By increasing the penalty from a Class 4 to a Class 3 felony, the proposal may have an impact on state-responsible (prison) bed space. However, existing databases do not contain specific information about the type of unoccupied building (i.e., a school or church) that is the target of an arson under § 18.2-77. Therefore, the impact of the proposal cannot be determined.

Local adult correctional facilities. The proposal may have an impact on local-responsible (jail) bed space; however, the impact cannot be determined.

Adult community corrections programs. The proposal may have an impact on adult community corrections programs; however the impact cannot be determined.

Virginia's sentencing guidelines. Convictions under § 18.2-77 are not covered by Virginia's sentencing guidelines as the primary offense (most serious) but may augment the guidelines

recommendation if a covered offense is the most serious at conviction. No adjustment to the sentencing guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), the proposal's impact on juvenile correctional center (JCC) bed space needs cannot be determined.

Juvenile detention facilities. The Department of Juvenile Justice (DJJ) reports that the proposal's impact on juvenile detention facilities 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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