



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 1140 (Patron – Wagner)

LD#: 07-5258780

Date: 12/29/2006

Topic: Scrap metal processors

Fiscal Impact Summary:

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

- **Juvenile Correctional Centers:**
None
- **Juvenile Detention Facilities:**
None

Summary of Proposed Legislation:

The proposal adds §§ 59.1-136.1 through 59.1-136.1 and amends §§ 59.1-123, 59.1-129 and 59.1-130 to define requirements for scrap metal processors. Failure to comply with requirements is punishable as a felony with a maximum penalty of two years in prison and fines between \$100 and \$1,000.

Analysis:

No data are available for offenses defined by the proposal. According to the CY2004 and CY2005 Local Inmate Data System (LIDS), there were no offenders held pre- or post-trial in jail who were convicted of similar offenses defined in §§ 59.1-128 or 59.1-129.

Impact of Proposed Legislation:

State adult correctional facilities. Because the proposal creates new felony crimes, the proposal could increase future state-responsible (prison) bed space needs. While the number of additional felony convictions that may result from the proposal cannot be estimated, the impact of the proposal on prison beds is expected to be small.

Local adult correctional facilities. The proposal may also increase local-responsible (jail) bed space needs, but the impact is expected to be small.

Adult community corrections programs. Because the proposal could result in felony convictions and subsequent supervision requirements for an additional number of offenders, it may increase the need for adult community corrections resources. The impact on community corrections programs, however, is expected to be small.

Virginia's sentencing guidelines. Convictions under Article 4 (§ 59.1-136.1 et seq.) are not covered by the sentencing guidelines; however, convictions for these crimes 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 is not expected to increase juvenile correctional center (JCC) bed space needs.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal is not expected to increase 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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