



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 1282

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

LD#: 07-7250824

Date: 2/14/2007

Topic: Use of public records to perpetuate crime

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 (\$0)
- **Juvenile Detention Facilities:**
None (\$0)

Summary of Proposed Legislation:

The proposal amends §18.2-186.4 to expand the current provision that prohibits the use of someone else's identifying information with the intent to coerce, intimidate or harass that person. Under the proposal, the list of identifying information protected by the statute is expanded to include the address of one's primary residence. The proposal also increases the penalty for violation of § 18.2-186.4 from a Class 1 misdemeanor to a Class 6 felony (with a mandatory minimum term of six months) if the offender knew or should have known the victim was a law enforcement officer.

Analysis:

According to the fiscal year (FY) 2004 and FY2005 Local Inmate Data System (LIDS), one offender held pre- or post-trial in jail was convicted of a Class 1 misdemeanor under the §18.2-186.4. That person was sentenced to 90 days in jail. Whether the victim in this case was a law enforcement officer is not known.

Impact of Proposed Legislation:

State adult correctional facilities. By creating a new felony offense, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. Because the proposed will almost always be an additional offense to a crime with a higher maximum penalty, the impact of the proposal on prison beds is likely to be small.

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

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. Any potential impact on community corrections resources is likely to be small.

Virginia's sentencing guidelines. As new crimes, convictions under § 18.2-86.4 would not be covered by the sentencing guidelines as the primary (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. 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. Nonetheless, if a juvenile offender were adjudicated delinquent for the proposed felony, a judge could commit the juvenile to DJJ, where 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 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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