



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1007

Engrossed

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

ID#: 08-4636824

Date: 2/12/2008

Topic: Disseminating criminal intelligence information

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

Summary of Proposed Legislation:

The proposal adds §§ 52-48 and 52-49 to regulate information relating to criminal intelligence or any terrorism investigation obtained from the Virginia Fusion Intelligence Center.

The Virginia Fusion Intelligence Center was established by the 2005 session of the General Assembly to operate in the Department of State Police with the cooperation of the Department of Emergency Management and other state and local agencies as deemed appropriate by the Governor. It is tasked with receiving and integrating terrorist-related intelligence and information for the purpose of preventing, preparing for, responding to, and recovering from any possible or actual terrorist attack.

The proposal defines “criminal intelligence information” within the context of the existing chapter and makes it a Class 1 misdemeanor to knowingly disseminate such information without prior authority from the Virginia Fusion Intelligence Center. If the dissemination results in actual death or serious bodily injury, violation becomes a Class 4 felony.

The proposal also establishes qualified immunity from liability for persons providing information to the Center and exempts employees of the Department of State Police, as well as employees from other agencies of the Commonwealth assigned to the Virginia Fusion Intelligence Center, from civil subpoena concerning any matter pursuant to their access to criminal intelligence information or an active terrorism investigation being conducted by the Department.

Analysis:

As new crimes, no Virginia criminal justice database contains information on the number of persons likely to commit these proposed crimes or how these crimes are likely to be sentenced once before the court. There are a number of crimes defined in the *Code* relating to the unlawful dissemination of certain types of confidential or restricted information (e.g., unauthorized dissemination of information from the DNA Analysis and Data Bank is a Class 3 misdemeanor, unauthorized dissemination of criminal history information is a Class 2 misdemeanor, and disclosure of tax form information by a preparer without consent is a Class 2 misdemeanor), but none carry the same potential consequences to

the Commonwealth as does the unauthorized dissemination of information from the Virginia Fusion Intelligence Center.

Impact of Proposed Legislation:

State adult correctional facilities. Because it creates a new felony crime, the proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. Criminal justice databases are insufficient to determine the number of additional cases that could be prosecuted as a result of the proposal; therefore, the impact of the proposal on state-responsible bed space cannot be determined.

Local adult correctional facilities. The proposal may also increase local-responsible (jail) bed space needs due to the creation of new crimes; however, the magnitude of the impact cannot be quantified.

Adult community corrections resources. Because the proposal could result in additional felony offenders placed on community supervision, it may have an impact on adult community corrections resources; however, the magnitude of the impact cannot be quantified.

Virginia's sentencing guidelines. As new crimes, convictions under § 52-48 would not be covered by the sentencing guidelines as the primary (most serious) offense at conviction but could 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 (DJJ) 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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