



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1248

(Patron – Hugo)

LD#: 08-6966548

Date: 12/17/2007

Topic: Concealing illegal aliens

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 adds § 18.2-201.1 to the *Code of Virginia* to make it a Class 6 felony for any person, as part of a commercial enterprise and with the purpose of violating U.S. immigration laws, to: 1) transport or move someone known to be an illegal alien into or within the Commonwealth, 2) conceal or shield from detection an illegal alien in any building, vehicle or other means for transporting people, or 3) attempt or conspire to commit any of these acts.

Analysis:

In 2007, the Office of Immigration Statistics, a division of the U.S. Department of Homeland Security, published a report containing the estimated number of unauthorized immigrants residing in the United States as of January 2006. The report is based, in part, upon data collected using the Current Population Survey (CPS), a monthly survey conducted jointly by the U.S. Bureau of Labor Statistics and the Census Bureau. Analysis of the data available revealed that there were an estimated 11.6 million unauthorized immigrants in the United States by January 2006.¹ Although a precise estimate for Virginia was not listed, the report indicates that Virginia was not one of the top 10 states with the most unauthorized immigrants. The estimated number of unauthorized immigrants in Virginia, therefore, was below the number for the state that was ranked tenth, which had an estimated 280,000 unauthorized immigrants.

Data regarding immigration violations were obtained from the United States Sentencing Commission. A total of 249 convictions for immigration violations were recorded in federal courts in Virginia during a recent two-year period (federal fiscal years (FY) 2005 and 2006); 237 of these convictions (95%) occurred in the Eastern district of Virginia and 12 (5%) were in the Western district. The total number of federal convictions for immigration violations decreased from FY2005 (145 cases) to FY2006 (104 cases).

¹ Hoefer, M., Rytina, N., & Campbell, C. (2007). Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2006 (http://www.dhs.gov/xlibrary/assets/statistics/publications/ill_pe_2006.pdf)

Impact of Proposed Legislation:

State adult correctional facilities. Because the proposal creates new felonies, it may increase the future state-responsible (prison) bed space needs of the Commonwealth. The number of additional felony convictions in Virginia's circuit courts that may result from the proposal cannot be estimated; therefore, the impact of the proposal on prison bed space cannot be determined.

Local adult correctional facilities. The proposal may increase the future local-responsible (jail) bed space needs of the Commonwealth. However, the magnitude of the impact cannot be determined.

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. Since the number of cases that may be affected by the proposal cannot be determined, the potential impact on community corrections resources cannot be estimated.

Virginia's sentencing guidelines. Convictions under the proposed § 18.2-201.1 would not be covered by the sentencing guidelines as the primary (or most serious) offense in a sentencing event. If enacted, however, convictions under this statute may augment the guidelines recommendation when an offense that is covered by the guidelines is the most serious at conviction.

Juvenile correctional centers. According to the Department of Juvenile Justice, the impact of the proposal on juvenile correctional centers cannot be determined.

Juvenile detention facilities. The Department of Juvenile Justice reports that the impact of the proposal on juvenile detention centers 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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