



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 223

Floor Amendment in the Nature of a Substitute

(Patron Prior to Substitute – Cosgrove)

LD#: 08-0359328

Date: 2/28/2008

Topic: Sex offenses prohibiting proximity to children

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 subsection C to § 18.2-370.2. Under the proposal, every adult who is convicted of an offense prohibiting proximity to children would be prohibited from going, for the purpose of having any contact with children not in his custody, within 100 feet of any place owned or operated by a locality that the offender knows or should have known is a playground, athletic field or facility, or gymnasium; violation would be punishable as a Class 6 felony. This proposal would only apply to individuals convicted of offenses prohibiting proximity to children that are committed on or after July 1, 2008. The proposal modifies § 18.2-10 to expand the punishment that a court is authorized to impose to include all penalties set forth in § 18.2-370.2.

Section 18.2-370.2(B) prohibits adults who have been convicted of an offense prohibiting proximity to children from loitering within 100 feet of the premises of any place he knows or has reason to know is a primary, secondary or high school. The 2006 General Assembly added child day programs to the list of restricted areas and modified the definition of an offense prohibiting proximity to children to include failing to register or reregister as a sex offender if the offender had been convicted of an offense listed in this statute. Any violation of § 18.2-370.2 is a Class 6 felony.

Analysis:

According to the fiscal year (FY) 2006 and FY2007 Pre/Post-Sentence Investigation (PSI) database, no offenders were convicted under § 18.2-370.2(B) during this time period.

No data are available regarding the number of incidents in which an offender who is otherwise prohibited from being in proximity to children goes within 100 feet of a playground, athletic field or facility, or gymnasium owned or operated by a locality.

Impact of Proposed Legislation:

State adult correctional facilities. The addition of subsection C to § 18.2-370.2 may increase the future state-responsible (prison) bed space needs of the Commonwealth. The number of additional felony convictions 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 local-responsible (jail) bed space needs; however, the magnitude of the impact cannot be determined.

Adult community corrections programs. The proposal may increase the need for state community corrections resources, but the magnitude of the impact cannot be estimated.

Virginia's sentencing guidelines. No adjustment to the guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice, the proposal is not expected to increase juvenile correctional center 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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