



## Fiscal Impact Statement for Proposed Legislation

### *Virginia Criminal Sentencing Commission*

#### **Senate Bill No. 26**

#### ***Enrolled***

***(Patron Prior to Enrollment – Reynolds)***

**ID#:** Enrolled

**Date:** 11/30/2007

**Topic:** Dog fighting added to the Racketeer Influenced and Corrupt Organization Act

#### **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 amends § 18.2-513 to include dog fighting, in violation of § 3.1-796.124, as a racketeering activity. Currently, racketeering activity means to commit, to attempt or conspire to commit, or to solicit, coerce or intimidate another to commit two or more of the following offenses: murder, voluntary manslaughter, selected assaults, kidnapping, crimes by gangs, shooting offenses, terrorism, obstruction of justice, violations of the Waste Management Act, injuries caused by prisoners, robbery, certain arsons, burglary, grand larceny, embezzlement, several fraud offenses, money laundering, specific drug offenses, paramilitary activity, perjury, bribery, transmitting illegal money, medical assistance fraud and cigarette tax violations.

Under the proposal, penalties for violation of the Virginia Racketeer Influenced and Corrupt Organization Act remain the same. Any person or enterprise convicted of racketeering is guilty of a felony that is punishable by imprisonment for not less than 5 years nor more than 40 years and a fine of not more than \$1 million. A second or subsequent offense is punishable as a Class 2 felony (20 years to life in prison) and a fine of not more than \$2 million. The transmission of money derived from, or traceable to, racketeering activity is punishable as a Class 6 felony (1-5 years).

The General Assembly passed the Virginia Racketeer Influenced and Corrupt Organization Act in 2004. To date, no amendments have been made to § 18.2-513 et seq.

#### **Analysis:**

According to fiscal year (FY) 2006 and 2007 Pre/Post-Sentence Investigation (PSI) data, there were no convictions for violations of the Virginia Racketeer Influenced and Corrupt Organization Act. However, there were three felony convictions for dog fighting in violation of § 3.1-796.124; each of these offenders received a state-responsible (prison) term with a median sentence of two years.

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** Because the proposal expands the applicability of the Virginia Racketeer Influenced and Corrupt Organization Act to include dog fighting, the proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. Criminal justice databases are insufficient to determine the number of offenders who would be prosecuted, convicted and sentenced under this Act as a result of the proposal; therefore, the magnitude of the impact cannot be determined.

**Local adult correctional facilities.** The proposal may also have an impact on local-responsible (jail) bed space needs; however, the magnitude of the impact cannot be determined.

**Adult community corrections resources.** Because the proposal may result in additional felony offenders placed on community supervision (or lengthier supervision periods for offenders already in the community), it may have an impact on state community corrections programs. The potential impact on community corrections resources cannot be quantified.

**Virginia's sentencing guidelines.** Convictions under § 18.2-513 et seq. and § 3.1-796.124 are not covered by the sentencing guidelines. A conviction under one of these provisions, however, could augment the guidelines recommendation if the most serious offense at sentencing is a covered offense. No adjustment to the sentencing 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.

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**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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