



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 764 *Amendment in the Nature of a Substitute* *Patron Prior to Substitute – Ticer*

LD#: 08-0272336

Date: 2/4/2008

Topic: Domestic violence and false statements on address confidentiality program applications

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
Cannot be determined
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Resources:**
Cannot be determined

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

Summary of Proposed Legislation:

The proposal amends § 2.2-515.2 and the second and third enactment clauses of Chapter 599 of the Acts of the Assembly of 2007 relating to victims of domestic violence. The proposal defines “domestic violence programs” and describes the role thereof, including assisting individuals who are eligible to participate in the address confidentiality program in completing application materials. The proposal also includes modifications regarding address submission, disclosure, and minors residing at the address.

Under the proposal, applicants who are on active parole or probation supervision under a federal, state or local county would be ineligible for the address confidentiality program and the Attorney General could cancel a program participant’s certification if the program participant is placed on parole and/or probation or is required to register as a sex offender. Residents of temporary housing, including domestic violence shelters, would be ineligible for the address confidentiality program until a permanent residential address is established.

The proposal allows for tracking program participants’ actual address in the Virginia Criminal Information Network system so that law-enforcement personnel may access this address for law enforcement purposes. Evaluations of the program are also described in the proposal.

The proposal expands the definition of perjury to include attesting falsely and willfully in an application for the address confidentiality program that the disclosure of the address of the applicant would endanger the safety of the applicant, the safety of the children of the applicant or the person on whose behalf the application is made. Any person who willfully provides false or incorrect information upon making an application would also be guilty of perjury pursuant to § 18.2-434. Perjury is a Class 5 felony with a maximum penalty of ten years.

The proposed changes to the enactment clauses are technical in nature, limiting the applicability of the proposal to specific localities and requiring a program evaluation to be prepared by the Office of the Attorney General for dissemination to the Senate and House Committees on General Laws by December 31, 2010.

Analysis:

According to the fiscal year (FY) 2006 and FY2007 Pre/Post-Sentence Investigation (PSI) database, 29 offenders were convicted of perjury as defined in § 18.2-434 during this time period. Slightly less than half of these offenders (48.3%) received probation without an active term of incarceration. Six of the offenders (20.7%) were sentenced to a local-responsible (jail) term, with a median sentence of 4.5 months. The remaining 31% were given a state-responsible (prison) term, for which the median sentence was 1 year.

Impact of Proposed Legislation:

State adult correctional facilities. By expanding the definition of perjury, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, the magnitude of the impact cannot be quantified because the new crime includes several specific elements for which no information is available.

Local adult correctional facilities. The proposal may also increase the need for local-responsible (jail) bed space; however, the magnitude of the impact cannot be determined.

Adult community corrections resources. The proposal may increase the need for adult community corrections resources; however, the magnitude of the impact cannot be determined.

Virginia's sentencing guidelines. Convictions of perjury under § 18.2-434 are currently covered by the guidelines. 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 the need for juvenile correctional center (JCC) beds.

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.