

Department of Planning and Budget

2009 Fiscal Impact Statement

1. Bill Number HB 2016

House of Origin ☐ Introduced ☒ Substitute ☒ Engrossed
Second House ☒ In Committee ☐ Substitute ☐ Enrolled

2. Patron Ebbin

3. Committee Senate Courts of Justice

4. Title Human trafficking

5. Summary/Purpose:

The proposed legislation would expand the Code of Virginia statute dealing with abduction and kidnapping to include human trafficking.

Abduction and kidnapping is defined as seizing, taking, or transporting someone by force or intimidation against his will without legal justification or excuse. The offense is a Class 5 felony. The proposed bill would expand this definition to include seizing, transporting, or detaining, by force, intimidation or deception, any person with the intent of subjecting that person to forced labor or services.

The bill would define “intimidation” to include destroying, concealing, confiscating, withholding, or threatening to withhold a passport, immigration document, or other governmental identification, as well as threatening to report another person as being illegally present in the United States.

Furthermore, because abduction and kidnapping are included in the definition of “racketeering activity” in the Virginia Racketeer Influence and Corrupt Organization Act (RICO), the expanded definition of abduction and kidnapping to include human trafficking would be included as a RICO offense. The proposed legislation goes on to expand RICO to include extortion, assisting in the procurement for prostitution, receiving money for procurement, and pandering.

6. Fiscal Impact estimate: Final. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

Anyone convicted of a Class 5 felony is subject to a sentence of up to 12 months in jail or one to ten years in prison. The penalty for violation of the RICO statutes is a possible prison

sentence of 5 to 40 years; the penalty for a second or subsequent violation, a Class 2 felony, is a sentence of 20 years to life imprisonment. Therefore, the proposed legislation could result in additional inmates being housed in jails or state prisons.

There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail, \$8.00 a day for each state responsible inmate held for sixty days or less, and \$14.00 a day for each state responsible inmate held for more than sixty days. It also funds most of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2008), the estimated total state support for local jails averaged \$28.77 per inmate, per day in FY 2007.

The Virginia Criminal Sentencing Commission was unable to determine the impact of this proposal on state-responsible (prison) bed space pursuant to §30-19.1:4 of the Code of Virginia because the proposal would criminalize behavior that is not currently defined as a criminal act and would expand the applicability of the RICO provisions. Data on such activity does not exist. Consequently, the number of individuals who could be affected by the proposal is unknown.

9. Specific agency or political subdivisions affected:

Department of Corrections
Local and regional jails.

10. Technical amendment necessary: None.

11. Other comments: None.

Date: {3/9/2009} rwh

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