



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 2016

Amendment in the Nature of a Substitute (Patron Prior to Substitute – Ebbin)

LD#: 09-0949492

Date: 2/23/2009

Topic: Human trafficking

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
Cannot be determined, likely to be small
- **Local Adult Correctional Facilities:**
Cannot be determined, likely to be small
- **Adult Community Corrections Programs:**
Cannot be determined, likely to be small

- **Juvenile Correctional Centers:**
Cannot be determined
- **Juvenile Detention Facilities:**
Cannot be determined

Summary of Proposed Legislation:

The proposal amends § 18.2-513 to address certain issues related to human trafficking. The proposal expands the definition of “racketeering activity” to include offenses under §§ 18.2-59 (extortion), 18.2-348 (assisting in procurement for prostitution), 18.2-356 (receive money for procurement), and 18.2-368 (pandering). An individual found guilty of violations of the above statutes would therefore be subject to the provisions of the Virginia Racketeer Influenced and Corrupt Organization Act (§ 18.2-512 et seq.). Under § 18.2-515, the criminal penalties for a violation of the RICO statutes include imprisonment for 5 to 40 years and a fine of not more than \$1 million. A second or subsequent offense is a Class 2 felony.

Analysis:

According to fiscal year (FY) 2006 and FY2007 Pre/Post-Sentence Investigation (PSI) data, there were no convictions for violations of the RICO statutes.

Impact of Proposed Legislation:

State adult correctional facilities. Because it expands the applicability of the RICO statutes, the proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. The potential impact of the proposal depends on the extent to which the offenders can be apprehended and convicted, and the extent that offenders will be given a prison sentence of one year or more. No convictions were found under the existing Racketeer Influenced and Corrupt Organization statutes, and while the number of additional felony convictions that may result from the proposal cannot be quantified, it is likely to be small.

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

Adult community corrections programs. The proposal may increase the need for adult community corrections programs, but the magnitude of the impact cannot be determined.

Virginia's sentencing guidelines. Receiving money for procurement under § 18.2-356 and pandering under § 18.2-368 are covered under the sentencing guidelines. Other acts of human trafficking and violations of the RICO statutes are not covered; however, convictions for any of these crimes may augment the guidelines recommendation if a covered offense is the most serious at sentencing. 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 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.

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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