



## Fiscal Impact Statement for Proposed Legislation

### *Virginia Criminal Sentencing Commission*

#### House Bill No. 227

#### *Amendment in the Nature of a Substitute (Patron Prior to Substitute – Watts)*

**LD#:** 10105484

**Date:** 3/12/2010

**Topic:** Sex offenses prohibiting entry onto school property

#### **Fiscal Impact Summary:**

- **State Adult Correctional Facilities:**  
None (\$0)
- **Local Adult Correctional Facilities:**  
None (\$0)
- **Adult Community Corrections Programs:**  
None (\$0)

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

#### **Summary of Proposed Legislation:**

The proposal amends §§ 16.1-241 and 18.2-370.5 by adding restrictions to the provision that allowed sexually violent offenders, as defined in § 9.1-902, entry onto school or child day care property when authorized by court order. Under the proposal, in addition to obtaining a court order, the procedure for gaining access to enter school property would also require that the offender obtain the permission of the school board or the owner of the private school or child day center and be in compliance with the terms and conditions placed upon the offender by the court, school board or the owner of the private school or child day care center. However, these offenders will still be able to enter schools or day care centers to vote or to attend classes as a student. In addition, the proposal restricts petitions to the circuit court; currently, offenders may petition the juvenile and domestic relations court.

#### **Analysis:**

The provisions of § 18.2-370.5 became effective for offenses committed on or after July 1, 2007. According to the Circuit Court Automated Information System (CAIS) for fiscal years 2008 and 2009, there were three convictions under § 18.2-370.5. One offender received a local-responsible (jail) sentence of two months and another received state-responsible (prison) term of two years (for two counts of the offense). The third offender had a more serious conviction for a second or subsequent sex offender registry violation (a Class 5 felony for an offender defined as sexually violent) and was sentenced to a total of 1.5 years for the two crimes.

#### **Impact of Proposed Legislation:**

**State adult correctional facilities.** Although the proposal will increase the number of offenders who will be denied legal access to schools and child day care centers, it is unlikely that the number of convictions under § 18.2-370.5 will increase. It is expected that those who seek legal access to schools

and child day centers will continue to do so under the proposal; the process just becomes more complex and difficult. Therefore, the proposal is unlikely to increase the future state-responsible (prison) bed space needs of the Commonwealth.

**Local adult correctional facilities.** Similarly, the proposal is unlikely to increase the need for local-responsible (jail) beds.

**Adult community corrections programs.** The need for adult community corrections resources are unlikely to be increased by the proposal

**Virginia's sentencing guidelines.** Felony convictions under § 18.2-370.5 are not covered by the sentencing guidelines as the primary (most serious) offense. A conviction under this provision, 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 is \$0 for periods of imprisonment in state adult correctional facilities.**

**Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

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