



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 243

(Patron – Janis)

LD #: 10102497

Date: 12/21/2009

Topic: Punishment for accessories after the fact

#### Fiscal Impact Summary:

- **State Adult Correctional Facilities:**  
\$50,000 \*
- **Local Adult Correctional Facilities:**  
Cannot be determined
- **Adult Community Corrections Programs:**  
Cannot be determined

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

\* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 781 of the 2009 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

#### Summary of Proposed Legislation:

The proposed legislation amends § 18.2-19 to increase the penalty for being an accessory after the fact to capital murder. Under the proposal, the penalty for being an accessory after the fact to capital murder is increased from a Class 1 misdemeanor to a Class 6 felony. In addition, exemptions from prosecution provided in the current statute would no longer apply in cases involving capital murder. Currently, a person cannot be convicted of accessory after the fact if he or she assists an offender (principle felon or accessory before the fact) avoid or escape prosecution and he or she is related to the offender as a husband or wife, parent or grandparent, child or grandchild, brother or sister, etc.

For all other felony crimes, being an accessory after the fact would remain a Class 1 misdemeanor and the existing exemptions would continue to apply.

#### Analysis:

According to the CY2007 and CY2008 Local Inmate Data System (LIDS), no offenders were convicted of misdemeanor accessory after the fact under § 18.2-19 where it could be identified that the crime involved capital murder.

#### Impact of Proposed Legislation:

**State adult correctional facilities.** The proposal would increase the penalty for accessory after the fact from a Class 1 misdemeanor to a Class 6 felony in certain circumstances. In this way, the proposed legislation may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, the databases available to the Commission do not contain sufficient detail to estimate the number of convictions affected by the proposal. Therefore, the magnitude of the impact cannot be quantified.

**Local adult correctional facilities.** The proposal could also affect the local-responsible (jail) bed space needs of the Commonwealth. However, the magnitude of the impact cannot be determined.

**Adult community corrections programs.** Because the proposal could result in additional felony convictions and subsequent supervision requirements, the proposal may affect adult community corrections resources. Since the number of cases that may be affected cannot be determined, the potential impact on community corrections resources cannot be quantified.

**Virginia’s sentencing guidelines.** The proposed Class 6 felony would not be covered by the sentencing guidelines as the primary (most serious) offense in a sentencing event. Such a conviction, however, could augment the guidelines recommendation if the most serious offense at sentencing is 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, the impact of the proposal on juvenile correctional center bed space needs cannot be determined.

**Juvenile detention facilities.** According to the Department of Juvenile Justice, the impact of the proposal on the bed space needs of juvenile detention facilities cannot be determined.

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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; therefore, Chapter 781 of the 2009 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.**

**Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

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