

Department of Planning and Budget 2010 Fiscal Impact Statement

1. Bill Number: HB569

House of Origin X Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Iaquinto

3. Committee: Courts of Justice

4. Title: **Transfer of certain juvenile felonies.**

5. Summary: Adds the specific felony offenses of “committing, conspiring, or aiding and abetting an act of terrorism in violation of § 18.2-46.5, or possession, manufacture, or distribution of a weapon of terrorism or hoax device in violation of § 18.2-46.6” to the provisions of the transfer statute requiring a preliminary hearing upon notice by the attorney for the Commonwealth and certification to the circuit court upon a finding of probable cause by the J&DR court, for purposes of the transfer of a juvenile age 14 or older to circuit court upon a felony charge. Current law allows for discretionary transfer by the J&DR court for these crimes on motion for transfer by the attorney for the Commonwealth because they are not specifically enumerated as crimes subject to the Commonwealth attorney notice provision.

6. Fiscal Impact Estimates: Preliminary; See Item 8 below.

7. Budget Amendment Necessary: Yes.

8. Fiscal Implications: According to the Department of Juvenile Justice and the Virginia Sentencing Commission, the fiscal impact due to the proposed legislation cannot be determined at this time.

Specifically, the Sentencing Commission stated that because the number of individuals that may be convicted in circuit court cannot be determined the impact on the adult correctional facilities cannot be determined. In addition, the proposal could impact local-responsible bed space (jails) needs and adult community corrections programs but neither of these can be determined. Finally, the impact on juvenile correctional center beds and the impact on juvenile detention facilities cannot be determined.

As noted by the Sentencing Commission, since the fiscal impact on the state adult correctional facilities cannot be determined, Chapter 781 of the 2009 Acts of Assembly requires the Commission to assign a minimum fiscal impact of \$50,000.

9. Specific Agency or Political Subdivisions Affected: Departments of Corrections and Juvenile Justice, courts statewide.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 1/28/2010 dpb/John Crooks

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