



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### Senate Bill No. 813 (Patron – Martin)

LD #: 11101906

Date: 12/29/2010

Topic: Threats of death or bodily injury

#### 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 874 of the 2010 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

#### Summary of Proposed Legislation:

The proposal amends § 18.2-60 to expand the provisions related to threats of death or bodily injury. Currently, it is a Class 6 felony 1) to knowingly communicate a written, visual, or electronic message with a threat to kill or do bodily injury to a person or a member of his family when the threat places the person in reasonable apprehension of death or injury or 2) to communicate a threat in written, visual, or electronic form while on school property, at a school-sponsored event, or on a school bus, whether or not the person who is the object of the threat actually receives the threat. Under the proposal, these provisions are expanded to include any written, visual, or electronic message containing a threat of death or bodily injury made towards any person or class of persons, without limitation as to whether the threat is made towards a person's family member, whether the threat takes place on school property or during a school activity, or whether the object of the threat actually receives the threat.

Making a written, visual, or electronic threat related to terrorism would remain a Class 5 felony under the proposal.

#### Analysis:

According to fiscal year (FY) 2009 and FY2010 Sentencing Guidelines data, 21 offenders were convicted of a Class 6 felony under § 18.2-60 for communicating a written, visual, or electronic message with a threat to kill or do bodily injury to a person or a member of his family. In these cases, the communication of the threat was the primary (or most serious) offense. Eight of these offenders were given a state-responsible (prison) term, for which the median sentence was 2.3 years.

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** Because it expands a felony offense, the proposal may have an impact on the future state-responsible (prison) bed space needs of the Commonwealth. The number of additional felony convictions that may result from the proposal cannot be estimated; therefore, the magnitude of the impact cannot be determined.

**Local adult correctional facilities.** Because a felony conviction can result in a sentence to be served in a local or regional jail, the proposal may have an impact on future local-responsible (jail) bed space needs. Since the number of cases that may be affected by the proposal cannot be determined, the magnitude of the impact cannot be determined.

**Adult community corrections programs.** Because the proposal could result in convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase the need for 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 sentencing guidelines cover the Class 6 felony defined in § 18.2-60 for communicating a written, visual, or electronic message with a threat to kill or do bodily injury to a person or a member of his family. The other offenses defined in that statute are not covered by the guidelines as the primary (or most serious) offense; however, a conviction for one of those crimes 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 (DJJ), the impact of the proposal on juvenile correctional center (JCC) bed space needs cannot be determined.

**Juvenile detention facilities.** According to the Department of Juvenile Justice (DJJ), 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 874 of the 2010 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.**