



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### Senate Bill No. 813

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

LD #: 11104607

Date: 1/25/2011

Topic: Threats related to terrorism

#### 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 concerning threats related to terrorism. Currently, it is a Class 6 felony to make a written, visual, or electronic threat to kill or do bodily injury to a person or any member of that person's family; if the offense is committed with the intent to commit an act of terrorism as defined in § 18.2-46.4, it is a Class 5 felony. Under the proposal, the Class 5 felony provision is expanded to include threats to abduct another person or any member of that person's family. Threats made without terroristic intent would continue to be Class 6 felonies.

#### Analysis:

According to fiscal year (FY) 2009 and FY2010 Circuit Court Automated Information System (CAIS) data, there were no Class 5 felony convictions under § 18.2-60 for threats related to terrorism.

According to FY2009 and FY2010 Sentencing Guidelines data, 21 offenders were convicted of a Class 6 felony under § 18.2-60 for threats unrelated to terrorism. 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.

#### 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.**

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