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HOUSE BILL NO. 1271

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 10, 2012)

(Patron Prior to Substitute—Delegate Jones)

A BILL to amend and reenact §§ 18.2-61, 18.2-67.1, 18.2-67.2, 18.2-67.5:3, 19.2-169.3, 37.2-903, and 37.2-904 of the Code of Virginia, relating to punishment and assessment of certain sexually violent predators; penalty.

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-61, 18.2-67.1, 18.2-67.2, 18.2-67.5:3, 19.2-169.3, 37.2-903, and 37.2-904 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-61. Rape.

A. If any person has sexual intercourse with a complaining witness, whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in sexual intercourse with any other person and such act is accomplished (i) against the complaining witness's will, by force, threat or intimidation of or against the complaining witness or another person; or (ii) through the use of the complaining witness's mental incapacity or physical helplessness; or (iii) with a child under age 13 as the victim, he or she shall be guilty of rape.

B. A violation of this section shall be punishable, in the discretion of the court or jury, by confinement in a state correctional facility for life or for any term not less than five years; ~~the penalty for. For a violation of subdivision clause (iii) of subsection A (iii), where it is alleged in the indictment that the offender is was 18 years of age or older at the time of the offense, the punishment shall include a mandatory minimum term of confinement for life. For an offender who was convicted of a violation of clause (iii) of subsection A, where it is alleged in the indictment that the offender was younger than 18 years of age at the time of the offense and more than three years older than the victim, if done in the commission of, or as part of the same course of conduct as, or as part of a common scheme or plan as a violation of (i) subsection A of § 18.2-47 or § 18.2-48, (ii) § 18.2-89, 18.2-90 or 18.2-91, or (iii) § 18.2-51.2, the penalty shall include a mandatory minimum term of confinement of 25 years. If the term of confinement imposed for any violation of subdivision A (iii), where the offender is more than three years older than the victim, is for a term less than life imprisonment, and the judge shall impose, in addition to any the active sentence, a suspended sentence of no less than 40 years. This suspended sentence shall be suspended for the remainder of the defendant's life, subject to revocation by the court.~~

There shall be a rebuttable presumption that a juvenile over the age of 10 but less than 12, does not possess the physical capacity to commit a violation of this section. In any case deemed appropriate by the court, all or part of any sentence imposed for a violation under this section against a spouse may be suspended upon the defendant's completion of counseling or therapy, if not already provided, in the manner prescribed under § 19.2-218.1 if, after consideration of the views of the complaining witness and such other evidence as may be relevant, the court finds such action will promote maintenance of the family unit and will be in the best interest of the complaining witness.

C. Upon a finding of guilt under this section, when a spouse is the complaining witness in any case tried by the court without a jury, the court, without entering a judgment of guilt, upon motion of the defendant who has not previously had a proceeding against him for violation of this section dismissed pursuant to this subsection and with the consent of the complaining witness and the attorney for the Commonwealth, may defer further proceedings and place the defendant on probation pending completion of counseling or therapy, if not already provided, in the manner prescribed under § 19.2-218.1. If the defendant fails to so complete such counseling or therapy, the court may make final disposition of the case and proceed as otherwise provided. If such counseling is completed as prescribed under § 19.2-218.1, the court may discharge the defendant and dismiss the proceedings against him if, after consideration of the views of the complaining witness and such other evidence as may be relevant, the court finds such action will promote maintenance of the family unit and be in the best interest of the complaining witness.

§ 18.2-67.1. Forcible sodomy.

A. An accused shall be guilty of forcible sodomy if he or she engages in cunnilingus, fellatio, anilingus, or anal intercourse with a complaining witness whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in such acts with any other person, and

1. The complaining witness is less than 13 years of age; or

2. The act is accomplished against the will of the complaining witness, by force, threat or intimidation of or against the complaining witness or another person, or through the use of the

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60 complaining witness's mental incapacity or physical helplessness.

61 B. Forcible sodomy is a felony punishable by confinement in a state correctional facility for life or
62 for any term not less than five years. The penalty for a violation of subdivision A 1, where *it is alleged*
63 *in the indictment that the offender is was 18 years of age or older at the time of the offense, shall*
64 *include a mandatory minimum term of confinement for life. The penalty for an offender who was*
65 *convicted of a violation of subdivision A 1, where it is alleged in the indictment that the offender was*
66 *younger than 18 years of age at the time of the offense and more than three years older than the victim,*
67 *if done in the commission of, or as part of the same course of conduct as, or as part of a common*
68 *scheme or plan as a violation of (i) subsection A of § 18.2-47 or 18.2-48, (ii) § 18.2-89, 18.2-90 or*
69 *18.2-91, or (iii) § 18.2-51.2, shall include a mandatory minimum term of confinement of 25 years. If the*
70 *term of confinement imposed for any violation of subdivision A 1, where the offender is more than*
71 *three years older than the victim, is for a term less than life imprisonment, and the judge shall impose,*
72 *in addition to any the active sentence, a suspended sentence of no less than 40 years. This suspended*
73 *sentence shall be suspended for the remainder of the defendant's life, subject to revocation by the court.*

74 In any case deemed appropriate by the court, all or part of any sentence imposed for a violation
75 under this section against a spouse may be suspended upon the defendant's completion of counseling or
76 therapy, if not already provided, in the manner prescribed under § 19.2-218.1 if, after consideration of
77 the views of the complaining witness and such other evidence as may be relevant, the court finds such
78 action will promote maintenance of the family unit and will be in the best interest of the complaining
79 witness.

80 C. Upon a finding of guilt under this section, when a spouse is the complaining witness in any case
81 tried by the court without a jury, the court, without entering a judgment of guilt, upon motion of the
82 defendant who has not previously had a proceeding against him for violation of this section dismissed
83 pursuant to this subsection and with the consent of the complaining witness and the attorney for the
84 Commonwealth, may defer further proceedings and place the defendant on probation pending completion
85 of counseling or therapy, if not already provided, in the manner prescribed under § 19.2-218.1. If the
86 defendant fails to so complete such counseling or therapy, the court may make final disposition of the
87 case and proceed as otherwise provided. If such counseling is completed as prescribed under
88 § 19.2-218.1, the court may discharge the defendant and dismiss the proceedings against him if, after
89 consideration of the views of the complaining witness and such other evidence as may be relevant, the
90 court finds such action will promote maintenance of the family unit and be in the best interest of the
91 complaining witness.

92 § 18.2-67.2. Object sexual penetration; penalty.

93 A. An accused shall be guilty of inanimate or animate object sexual penetration if he or she
94 penetrates the labia majora or anus of a complaining witness, whether or not his or her spouse, other
95 than for a bona fide medical purpose, or causes such complaining witness to so penetrate his or her own
96 body with an object or causes a complaining witness, whether or not his or her spouse, to engage in
97 such acts with any other person or to penetrate, or to be penetrated by, an animal, and

98 1. The complaining witness is less than 13 years of age; or

99 2. The act is accomplished against the will of the complaining witness, by force, threat or
100 intimidation of or against the complaining witness or another person, or through the use of the
101 complaining witness's mental incapacity or physical helplessness.

102 B. Inanimate or animate object sexual penetration is a felony punishable by confinement in the state
103 correctional facility for life or for any term not less than five years. The penalty for a violation of
104 subdivision A 1, where *it is alleged in the indictment that the offender is was 18 years of age or older*
105 *at the time of the offense, shall include a mandatory minimum term of confinement for life. The penalty*
106 *for an offender who was convicted of a violation of subdivision A 1, where it is alleged in the*
107 *indictment that the offender was younger than 18 years of age at the time of the offense and more than*
108 *three years older than the victim, if done in the commission of, or as part of the same course of conduct*
109 *as, or as part of a common scheme or plan as a violation of (i) subsection A of § 18.2-47 or 18.2-48,*
110 *(ii) § 18.2-89, 18.2-90 or 18.2-91, or (iii) § 18.2-51.2, shall include a mandatory minimum term of*
111 *confinement of 25 years. If the term of confinement imposed for any violation of subdivision A 1,*
112 *where the offender is more than three years older than the victim, is for a term less than life*
113 *imprisonment, and the judge shall impose, in addition to any the active sentence, a suspended sentence*
114 *of no less than 40 years. This suspended sentence shall be suspended for the remainder of the*
115 *defendant's life, subject to revocation by the court.*

116 In any case deemed appropriate by the court, all or part of any sentence imposed for a violation
117 under this section against a spouse may be suspended upon the defendant's completion of counseling or
118 therapy, if not already provided, in the manner prescribed under § 19.2-218.1 if, after consideration of
119 the views of the complaining witness and such other evidence as may be relevant, the court finds such
120 action will promote maintenance of the family unit and will be in the best interest of the complaining
121 witness.

C. Upon a finding of guilt under this section, when a spouse is the complaining witness in any case tried by the court without a jury, the court, without entering a judgment of guilt, upon motion of the defendant who has not previously had a proceeding against him for violation of this section dismissed pursuant to this subsection and with the consent of the complaining witness and the attorney for the Commonwealth, may defer further proceedings and place the defendant on probation pending completion of counseling or therapy, if not already provided, in the manner prescribed under § 19.2-218.1. If the defendant fails to so complete such counseling or therapy, the court may make final disposition of the case and proceed as otherwise provided. If such counseling is completed as prescribed under § 19.2-218.1, the court may discharge the defendant and dismiss the proceedings against him if, after consideration of the views of the complaining witness and such other evidence as may be relevant, the court finds such action will promote maintenance of the family unit and be in the best interest of the complaining witness.

§ 18.2-67.5:3. Punishment upon conviction of certain subsequent violent felony sexual assault.

A. Any person convicted of ~~more than one~~ *an offense specified in subsection B B1, and convicted of an offense in subsection B*, when such offenses were not part of a common act, transaction, or scheme, and who has been at liberty as defined in § 53.1-151 between each conviction, shall, upon conviction of ~~the second or subsequent such~~ *the offense listed in subsection B1*, be sentenced to life imprisonment and shall not have all or any portion of the sentence suspended, provided it is admitted, or found by the jury or judge before whom he is tried, that he has been previously convicted of at least one of the ~~specified~~ *specified* offenses listed in subsection B.

B. The ~~provisions of offenses included in this subsection A shall apply to convictions for~~ *are as follows:*

1. Rape in violation of § 18.2-61;
2. Forcible sodomy in violation of § 18.2-67.1;
3. Object sexual penetration in violation of § 18.2-67.2;
4. Abduction with intent to defile in violation of § 18.2-48; or
5. Conspiracy to commit any offense listed in subdivisions 1 through 4 pursuant to § 18.2-22.

B1. The offenses included in this subsection are as follows:

1. *Rape in violation of clause (i) or (ii) of subsection A of § 18.2-61;*
2. *Forcible sodomy in violation of subdivision A 2 of § 18.2-67.1;*
3. *Object sexual penetration in violation of subdivision A 2 of § 18.2-67.2;*
4. *Abduction with intent to defile in violation of § 18.2-48; or*
5. *Conspiracy to commit any offense listed in subdivisions B 1 through 4 pursuant to § 18.2-22.*

C. For purposes of this section, ~~prior~~ *convictions listed in subsection B* shall include (i) adult convictions for felonies under the laws of any state or the United States that are substantially similar to those listed in subsection B and (ii) findings of not innocent, adjudications or convictions in the case of a juvenile if the juvenile offense is substantially similar to those listed in subsection B, the offense would be a felony if committed by an adult in the Commonwealth and the offense was committed less than ~~twenty~~ 20 years before the second offense.

The Commonwealth shall notify the defendant in the indictment, information, or warrant, at least ~~thirty~~ 30 days prior to trial, of its intention to seek punishment pursuant to this section.

§ 19.2-169.3. Disposition of the unrestorably incompetent defendant; capital murder charge; referral to Commitment Review Committee.

A. If, at any time after the defendant is ordered to undergo treatment pursuant to subsection A of § 19.2-169.2, the director of the community services board or behavioral health authority or his designee or the director of the treating inpatient facility or his designee concludes that the defendant is likely to remain incompetent for the foreseeable future, he shall send a report to the court so stating. The report shall also indicate whether, in the board, authority, or inpatient facility director's or his designee's opinion, the defendant should be released, committed pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2, committed pursuant to Chapter 9 (§ 37.2-900 et seq.) of Title 37.2, or certified pursuant to § 37.2-806 in the event he is found to be unrestorably incompetent. Upon receipt of the report, the court shall make a competency determination according to the procedures specified in subsection E of § 19.2-169.1. If the court finds that the defendant is incompetent and is likely to remain so for the foreseeable future, it shall order that he be (i) released, (ii) committed pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2, or (iii) certified pursuant to § 37.2-806. However, if the court finds that the defendant is incompetent and is likely to remain so for the foreseeable future and the defendant has been charged with a sexually violent offense, as defined in § 37.2-900, he shall be ~~reviewed for commitment screened~~ *pursuant to Chapter 9 (§ 37.2-900 et seq.) of Title 37.2 the procedures set forth in §§ 37.2-903 and 37.2-904*. If the court finds the defendant incompetent but restorable to competency in the foreseeable future, it may order treatment continued until six months have elapsed from the date of the defendant's initial admission under subsection A of § 19.2-169.2.

183 B. At the end of six months from the date of the defendant's initial admission under subsection A of
184 § 19.2-169.2 if the defendant remains incompetent in the opinion of the board, authority, or inpatient
185 facility director or his designee, the director or his designee shall so notify the court and make
186 recommendations concerning disposition of the defendant as described in subsection A. The court shall
187 hold a hearing according to the procedures specified in subsection E of § 19.2-169.1 and, if it finds the
188 defendant unrestorably incompetent, shall order one of the dispositions described in subsection A. If the
189 court finds the defendant incompetent but restorable to competency, it may order continued treatment
190 under subsection A of § 19.2-169.2 for additional six-month periods, provided a hearing pursuant to
191 subsection E of § 19.2-169.1 is held at the completion of each such period and the defendant continues
192 to be incompetent but restorable to competency in the foreseeable future.

193 C. If any defendant has been charged with a misdemeanor in violation of Article 3 (§ 18.2-95 et
194 seq.) of Chapter 5 of Title 18.2 or Article 5 (§ 18.2-119 et seq.) of Chapter 5 of Title 18.2, other than a
195 misdemeanor charge pursuant to § 18.2-130 or Article 2 (§ 18.2-415 et seq.) of Chapter 9 of Title 18.2,
196 and is being treated pursuant to subsection A of § 19.2-169.2, and after 45 days has not been restored to
197 competency, the director of the community service board, behavioral health authority, or the director of
198 the treating inpatient facility, or any of their designees, shall send a report indicating the defendant's
199 status to the court. The report shall also indicate whether the defendant should be released or committed
200 pursuant to § 37.2-817 or certified pursuant to § 37.2-806. Upon receipt of the report, if the court
201 determines that the defendant is still incompetent, the court shall order that the defendant be released,
202 committed, or certified, and may dismiss the charges against the defendant.

203 D. Unless an incompetent defendant is charged with capital murder or the charges against an
204 incompetent criminal defendant have been previously dismissed, charges against an unrestorably
205 incompetent defendant shall be dismissed on the date upon which his sentence would have expired had
206 he been convicted and received the maximum sentence for the crime charged, or on the date five years
207 from the date of his arrest for such charges, whichever is sooner.

208 E. If the court orders an unrestorably incompetent defendant to be reviewed for commitment pursuant
209 to § 37.2-904, it shall order the attorney for the Commonwealth in the jurisdiction wherein the defendant
210 was charged and the Commissioner of Behavioral Health and Developmental Services to provide the
211 ~~Commitment Review Committee~~ established pursuant to ~~§ 37.2-902~~ *Director of the Department of*
212 *Corrections* with any information relevant to the review, including, but not limited to: (i) a copy of the
213 warrant or indictment, (ii) a copy of the defendant's criminal record, (iii) information about the alleged
214 crime, (iv) a copy of the competency report completed pursuant to § 19.2-169.1, and (v) a copy of the
215 report prepared by the director of the defendant's community services board, behavioral health authority,
216 or treating inpatient facility or his designee pursuant to this section. The court shall further order that the
217 defendant be held in the custody of the Department of Behavioral Health and Developmental Services
218 for secure confinement and treatment until the Commitment Review Committee's and Attorney General's
219 review and any subsequent hearing or trial are completed. If the court receives notice that the Attorney
220 General has declined to file a petition for the commitment of an unrestorably incompetent defendant as a
221 sexually violent predator after conducting a review pursuant to § 37.2-905, the court shall order that the
222 defendant be released, committed pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2,
223 or certified pursuant to § 37.2-806.

224 F. In any case when an incompetent defendant is charged with capital murder, notwithstanding any
225 other provision of this section, the charge shall not be dismissed and the court having jurisdiction over
226 the capital murder case may order that the defendant receive continued treatment under subsection A of
227 § 19.2-169.2 for additional six-month periods without limitation, provided that (i) a hearing pursuant to
228 subsection E of § 19.2-169.1 is held at the completion of each such period, (ii) the defendant remains
229 incompetent, (iii) the court finds continued treatment to be medically appropriate, and (iv) the defendant
230 presents a danger to himself or others.

231 G. The attorney for the Commonwealth may bring charges that have been dismissed against the
232 defendant when he is restored to competency.

233 § 37.2-903. Database of prisoners convicted of sexually violent offenses; maintained by Department
234 of Corrections; notice of pending release to CRC.

235 A. The Director shall establish and maintain a database of each prisoner in his custody who is (i)
236 incarcerated for a sexually violent offense or (ii) serving or will serve concurrent or consecutive time for
237 another offense in addition to time for a sexually violent offense. The database shall include the
238 following information regarding each prisoner: (a) the prisoner's criminal record and (b) the prisoner's
239 sentences and scheduled date of release. A prisoner who is serving or will serve concurrent or
240 consecutive time for other offenses in addition to his time for a sexually violent offense, shall remain in
241 the database until such time as he is released from the custody or supervision of the Department of
242 Corrections or Virginia Parole Board for all of his charges. Prior to the initial assessment of a prisoner
243 under subsection C, the Director shall order a national criminal history records check to be conducted on
244 the prisoner.

B. Each month, the Director shall review the database and identify all such prisoners who are scheduled for release from prison within 10 months from the date of such review *or have been referred to the Director by the Virginia Parole Board under rules adopted by the Board* who (i) receive a score of five or more on the Static-99 or a similar score on a comparable, scientifically validated instrument designated by the Commissioner, ~~or~~ (ii) *who receive a score of four on the Static-99 or a similar score on a comparable, scientifically validated instrument if the sexually violent offense mandating the prisoner's evaluation under this section was a violation of § 18.2-61, 18.2-67.1, 18.2-67.2, or §18.2-67.3 where the victim was under the age of 13 and suffered physical bodily injury and any of the following where the victim was under the age of 13: § 18.2-61, 18.2-67.1, or 18.2-67.2* or (iii) *whose records reflect such aggravating circumstances that the Director determines the offender appears to meet the definition of a sexually violent predator. The Director may exclude from referral prisoners who are so incapacitated by a permanent and debilitating medical condition or a terminal illness so as to represent no threat to public safety.*

C. If the Director and the Commissioner agree that no specific scientifically validated instrument exists to measure the risk assessment of a prisoner, the prisoner may instead be screened by a licensed psychiatrist, licensed clinical psychologist, or a licensed mental health professional certified by the Board of Psychology as a sex offender treatment provider pursuant to § 54.1-3600 for an initial determination of whether or not the prisoner may meet the definition of a sexually violent predator.

D. *The Commissioner shall forward to the Director the records of all defendants who have been charged with a sexually violent offense and found unrestorably incompetent to stand trial, and ordered to be screened pursuant to § 19.2-169.3. The Director, applying the procedure identified in subsection B, shall identify those defendants who shall be referred to the CRC for assessment.*

~~D.~~ E. Upon the identification of such prisoners *and defendants screened pursuant to subsection B, C and D*, the Director shall forward their names, their scheduled dates of release, *court orders finding the defendants unrestorably incompetent*, and copies of their files to the CRC for assessment.

§ 37.2-904. CRC assessment of prisoners or defendants eligible for commitment as sexually violent predators; mental health examination; recommendation.

A. Within ~~120~~ 180 days of receiving ~~notice~~ from the Director *the name of a prisoner or defendant who has been assessed by the Director pursuant to § 37.2-903 regarding a prisoner who is in the database, or from a court referring a defendant pursuant to § 19.2-169.3*, the CRC shall (i) complete its assessment of the prisoner or defendant for possible commitment pursuant to subsection B and (ii) forward its written recommendation regarding the prisoner or defendant to the Attorney General pursuant to subsection C.

B. CRC assessments of eligible prisoners or defendants shall include a mental health examination, including a personal interview, of the prisoner or defendant by a licensed psychiatrist or a licensed clinical psychologist who is designated by the Commissioner, skilled in the diagnosis and risk assessment of sex offenders, knowledgeable about the treatment of sex offenders, and not a member of the CRC. If the prisoner's or defendant's name was forwarded to the CRC based upon an evaluation by a licensed psychiatrist or licensed clinical psychologist, a different licensed psychiatrist or licensed clinical psychologist shall perform the examination for the CRC. The licensed psychiatrist or licensed clinical psychologist shall determine whether the prisoner or defendant is a sexually violent predator, as defined in § 37.2-900, and forward the results of this evaluation and any supporting documents to the CRC for its review.

The CRC assessment may be based on:

An actuarial evaluation, clinical evaluation, or any other information or evaluation determined by the CRC to be relevant, including but not limited to a review of (i) the prisoner's or defendant's institutional history and treatment record, if any; (ii) his criminal background; and (iii) any other factor that is relevant to the determination of whether he is a sexually violent predator.

C. Following the examination and review conducted pursuant to subsection B, the CRC shall recommend that the prisoner or defendant (i) be committed as a sexually violent predator pursuant to this chapter; (ii) not be committed, but be placed in a conditional release program as a less restrictive alternative; or (iii) not be committed because he does not meet the definition of a sexually violent predator. To assist the Attorney General in his review, the Department of Corrections, the CRC, and the psychiatrist or psychologist who conducts the mental health examination pursuant to this section shall provide the Attorney General with all evaluation reports, prisoner records, criminal records, medical files, and any other documentation relevant to determining whether a prisoner or defendant is a sexually violent predator.

D. Pursuant to clause (ii) of subsection C, the CRC may recommend that a prisoner or defendant enter a conditional release program if it finds that (i) he does not need inpatient treatment, but needs outpatient treatment and monitoring to prevent his condition from deteriorating to a degree that he would need inpatient treatment; (ii) appropriate outpatient supervision and treatment are reasonably

306 available; (iii) there is significant reason to believe that, if conditionally released, he would comply with
307 the conditions specified; and (iv) conditional release will not present an undue risk to public safety.

308 E. Notwithstanding any other provision of law, any mental health professional employed or appointed
309 pursuant to subsection B or § 37.2-907 shall be permitted to copy and possess any presentence or
310 postsentence reports and victim impact statements. The mental health professional shall not disseminate
311 the contents of the reports or the actual reports to any person or entity and shall only utilize the reports
312 for use in examinations, creating reports, and testifying in any proceedings pursuant to this article.

313 F. If the CRC deems it necessary to have the services of additional experts in order to complete its
314 review of the prisoner or defendant, the Commissioner shall appoint such qualified experts as are
315 needed.

316 **2. That the Director, in coordination with the Department, shall develop protocols to assess**
317 **whether the individual meets the definition of a sexually violent predator and shall report to the**
318 **General Assembly on protocol objectives, design, methodology, statistical considerations, embedded**
319 **assumptions, risk assessments, and organization of the full assessment process. All measures shall**
320 **be consistent with evidenced-based best practices. The primary tool of the protocols shall be a risk**
321 **assessment instrument and corresponding reference score designated by the Commissioner. The**
322 **Director shall submit the report to the Governor and the General Assembly by December 1, 2013.**

323 **3. That the provisions of this act may result in a net increase in periods of imprisonment or**
324 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
325 **be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter**
326 **890 of the Acts of Assembly of 2011 requires the Virginia Criminal Sentencing Commission to**
327 **assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the**
328 **necessary appropriation is \$0 for periods of commitment to the custody of the Department of**
329 **Juvenile Justice.**

330 **3. That the provisions of this act shall become effective January 1, 2013.**