

## REVISED

### Department of Planning and Budget 2012 Fiscal Impact Statement

**1. Bill Number: HB 624**

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron: Albo**

**3. Committee: Passed House**

**4. Title: Sex offender registry**

**5. Summary:**

Current law requires persons convicted of enumerated sex offenses to register with the Sex Offender and Crimes Against Minors Registry (registry). The State Police and the Department of Corrections, for those persons under its supervision, are required to verify periodically the home and work addresses of persons registered in the registry. Violation of the requirements of registration is a Class 1 misdemeanor or Class 6 felony, depending on the offenses for which registration was required. A second or subsequent conviction is a Class 6 or Class 5 felony, depending on the offenses for which registration was required.

Generally, juveniles adjudicated delinquent are not required to register. However, upon motion of the Commonwealth's attorney, a court may require a juvenile who was over the age of 13 at the time of the offense, who was adjudicated delinquent on or after July 1, 2005, to register, if it finds that the circumstances of the case warrant registration.

The proposed legislation would require any juvenile over the age of 13 at the time of the offense who was adjudicated delinquent on or after July 1, 2005 of rape, forcible sodomy, or object sexual penetration to register in the registry. The registry information regarding these juveniles would not be made available publicly over the Internet, as is required for other persons listed on the registry.

**6. Budget Amendment Necessary:** Yes. Item 389. The Governor has proposed an executive amendment to provide the appropriation for the fiscal impact of this legislation.

**7. Fiscal Impact Estimates:** Preliminary. See Item 8.

**Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2013	\$50,000	General
2014	\$0	
2015	\$0	
2016	\$0	
2017	\$0	
2018	\$0	

**8. Fiscal Implications:**

By increasing the number of individuals who are required to register, the proposed legislation could result in additional persons committed to jail or prison sentences. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. For a Class 6 felony the sentence can be up to 12 months in jail or 1-5 years in prison. A Class 5 felony also carries a possible sentence of up to 12 months in jail, but its possible prison sentence can be 1-10 years.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds most of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2011), the estimated total state support for local jails averaged \$29.98 per inmate, per day in FY 2010.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 890 of the 2011 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to the bill.

If the proposed legislation is not enacted, there could be a negative fiscal impact on the Commonwealth. States are required to comply with the federal Sex Offender Registration and Notification Act (SORNA) and the change in the proposed legislation is needed to bring the Commonwealth into compliance. The federal law provides for a 10 percent reduction in a state's allocation of Justice Assistance Grant funding if it is not in compliance with SORNA. For the current federal fiscal year, it is estimated that would amount to \$300,000 to \$350,000.

Concern has been raised that this legislation potentially could result in a reduction in adoption and foster care placements. Prospective foster or adoptive parents might be more reluctant to accept juveniles affected by this legislation because they would not want their home addresses to be listed in the registry and have additional law enforcement officers coming to their homes to verify the juvenile's address. Fewer adoption and foster care placements would mean additional group home costs to the state.

However, it is expected that this legislation would have little or no impact on foster care and adoption placements. According to the Department of Juvenile Justice (DJJ), over the last three years, an average of 20 juveniles per year have been committed to DJJ who were adjudicated delinquent for one of the three offenses listed in the proposed legislation—rape, forcible sodomy, or object sexual penetration. (It is possible that more juveniles than this were adjudicated delinquent of these offenses, but were not committed, but that number is likely to be small considering the serious nature of these offenses.) About 70 percent of the juveniles committed to DJJ are 16 or 17 years of age at the time of admission to a juvenile correctional center. The average length of stay for all juveniles regardless of commitment type is almost 17 ½ months. Juveniles committed to DJJ with serious violent offenses will have longer length of stays. Therefore, it is highly likely that any juvenile adjudicated delinquent of rape, forcible sodomy, or object sexual penetration will be 18 years old, or older, when released from DJJ. In summary, although the impact of the legislation on foster placements or adoptions cannot be projected with any certainty due to the existence of variables such as length of stay and age at release, any fiscal impact is expected to be insignificant.

**9. Specific Agency or Political Subdivisions Affected:**

Department of Corrections  
Department of Criminal Justice Services  
Department of State Police  
Department of Social Services  
Local and regional jails

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** Similar to SB 127.

**Date:** 2/17/2012

**Document:** G:\LEGIS\fis-12\hb624.doc Dick Hall-Sizemore