

Department of Planning and Budget 2012 Fiscal Impact Statement

1. Bill Number: SB 345

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: McDougle

3. Committee: Senate Finance

4. Title: Gang recruitment

5. Summary:

Under current law, it is a Class 1 misdemeanor to solicit or in any way recruit another person to participate in, or become a member of, a criminal street gang. If anyone 18 years old or older tries to recruit a juvenile to criminal street gang, the offense is a Class 6 felony.

The proposed legislation would increase these offenses to a Class 6 felony and Class 5 felony, respectively.

6. Budget Amendment Necessary: Yes. Item 389.

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

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2013	\$249,045	General
2014	\$0	
2015	\$0	
2016	\$0	
2017	\$0	
2018	\$0	

8. Fiscal Implications:

The basic offense of gang recruitment is now a Class 1 misdemeanor, punishable by up to 12 months in jail. The proposed legislation increases the penalties. For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to twelve months in jail, or 1 to 5 years in prison. For a Class 5 felony, the sentence can be up to 12 months in jail, or 1 to

10 years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to prison.

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$249,045 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in nine additional inmates being incarcerated in prison.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/6/2012

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