

## Department of Planning and Budget 2012 Fiscal Impact Statement

**1. Bill Number: SB 436**

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

**2. Patron: Obenshain**

**3. Committee: Passed both houses**

**4. Title:** Increased penalties for sex crimes

**5. Summary:**

The penalty for a person convicted of rape, forcible sodomy, or object sexual penetration against a victim is a sentence of imprisonment from five years to life. If the victim is under 13 years old; the offender is more than three years older than the victim; and the offense was committed in conjunction with a kidnapping, burglary, or malicious wounding, the Code requires a mandatory minimum sentence of 25 years in prison. If the offense is the offender's second or subsequent violent sexual offense, the law requires a life sentence.

The proposed legislation would impose a mandatory minimum sentence of life imprisonment for the first conviction of rape, forcible sodomy, or object sexual penetration if the victim is less than 13 years old and it is alleged in the indictment that the offender was 18 years old or older at the time of the offense.

**6. Budget Amendment Necessary:** See Item 8.

**7. Fiscal Impact Estimates:** Final.

**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 creating a new mandatory minimum sentence, the proposal is expected to have an impact on the future state-responsible (prison) bed space needs of the Commonwealth. The number of cases in which the offender's age at the time of the offense is alleged in the indictment to be 18 or older, however, cannot be estimated; therefore, the magnitude of the impact cannot be determined.

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.

The Governor submitted an executive amendment of \$1,711,348 for the budget bill (HB30) for the fiscal impact of this proposed legislation. The budget as originally approved by the House included an amendment of \$50,000 for the fiscal impact of the legislation as amended by the House; the recommendations made by the Senate Finance Committee also included \$50,000 for the legislation as amended by the Senate. The newly introduced HB 1301, as passed by the House, includes an amendment of \$50,000 for the fiscal impact of this legislation.

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

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

## **11. Other Comments:** Identical to HB 973.

**Date:** 3/12/2012

**Document:** G:\LEGIS\fis-12\sb436er.doc Dick Hall-Sizemore