

## Department of Planning and Budget 2012 Fiscal Impact Statement

**1. Bill Number: SB 436**

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

**2. Patron: Obenshain**

**3. Committee: Senate Finance**

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

**5. Summary:**

Generally, under current law, a person who is more than three years older than the victim and is convicted of rape, forcible sodomy, or object sexual penetration against a victim under 13 years old in connection with a kidnapping, burglary, or malicious wounding is subject to 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 the offender is 18 years old or older at the time of the offense. For an offender who was younger than 18 than years old at the time of the offense and more than three years older than the victim, the penalty would be a mandatory minimum of 25 years.

**6. Budget Amendment Necessary:** Yes. Item 389. The Governor has submitted an executive amendment to the budget bill providing the appropriation for the fiscal impact of legislation similar to this bill.

**7. Fiscal Impact Estimates:** Preliminary.

**Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2013	\$1,709,625	General
2014	\$0	
2015	\$0	
2016	\$0	
2017	\$0	
2018	\$0	

**8. Fiscal Implications:**

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$1,709,625 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in 62 additional inmates being incarcerated in prison.

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

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

**11. Other Comments:** Similar to HB 973.

**Date:** 2/2/2012

**Document:** G:\LEGIS\fis-12\sb436s1.doc Dick Hall-Sizemore