

Department of Planning and Budget 2013 Fiscal Impact Statement

1. Bill Number: HB 1325

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

2. Patron: Morris

3. Committee: House Courts of Justice

4. Title: Deferred disposition for juveniles

5. Summary:

Under current law, if a juvenile is found to be delinquent, courts may defer disposition of the sentence, impose certain conditions, and, if those conditions are met, dismiss the case without an adjudication of guilt. The proposed legislation would require the concurrence of the Commonwealth's attorney in order for the court to defer the disposition in cases involving murder, aggravated malicious wounding, certain other violent offenses, participation in a criminal street gang, and recruitment for a criminal street gang.

6. Budget Amendment Necessary: Yes. Item 389.

7. Fiscal Impact Estimates: Preliminary. See item 8 below.

Expenditure Impact:

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

8. Fiscal Implications:

The passage of this legislation would not immediately result in additional persons housed in prison; rather, the legislation could have a fiscal impact in an indirect way.

There is in place a system of criminal sentencing guidelines for judges to use in setting sentences for convicted felons. Although the guidelines are voluntary, judges are in compliance about 80 percent of the time. One of the factors that the guidelines use in determining a recommended sentence in a case is the prior conviction record of the offender. For violent crimes, especially, a record of prior convictions serves to enhance significantly the guideline recommendation for a sentence. Prior convictions include both those as an adult and as a juvenile.

If the proposed legislation were enacted, in some circumstances, judges would no longer be able to defer disposition of a case in which a juvenile was found delinquent and eventually dismiss it. The judge would still be able to place the juvenile on probation without incarceration, but the offender's record would show a conviction. If the person were convicted of a subsequent offense as an adult, that prior conviction as a juvenile in his criminal record could serve to enhance his sentence for the latest offense, whereas, if the court had been able earlier to defer judgment and then dismiss the juvenile case, there would have been no prior conviction on the person's criminal record to enhance his later adult sentence. In this way, the proposed legislation could result in longer sentences in the future for some offenders, thereby increasing the need for prison beds.

However, 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 3 of the 2012 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

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

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 1/10/2013

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