

Department of Planning and Budget 2014 Fiscal Impact Statement

1. Bill Number: HB 523

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

2. Patron: Albo

3. Committee: House Courts of Justice

4. Title: Registration of juveniles on 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, 2014 of rape, forcible sodomy, or object sexual penetration to register in the registry. The legislation would provide a mechanism for the juvenile to petition the court at a later date for the removal of his name and information from the registry.

6. Budget Amendment Necessary: None. The funding for this proposal was included in the Governor's introduced budget, Item 385.

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

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2015	\$50,000	General
2016	\$0	
2017	\$0	
2018	\$0	
2019	\$0	
2020	\$0	

8. Fiscal Implications:

By increasing the number of individuals who are required to register, the proposed legislation would increase the number of people who could be convicted of failing to register or re-register in accordance with statutory provisions. Therefore, it 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 2013), the estimated total state support for local jails averaged \$30.06 per inmate, per day in FY 2012.

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 806 of the 2013 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 \$275,000. However, states can have the penalty amount awarded to them and applied to operating their

sex offender registries. For the past three years, the federal government has allowed the Commonwealth to do this, with the result that amount of Justice Assistance Grant money available for distribution to state agencies and localities was reduced by 10 percent and that amount was used for operating the sex offender registry instead.

9. Specific Agency or Political Subdivisions Affected:

Department of Corrections

Department of State Police

Department of Criminal Justice Services

Local and regional jails

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/13/2014

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