



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 208
Amendment in the Nature of a Substitute
(Patron Prior to Substitute – Carrico)

LD #: 14104234

Date: 1/20/2014

Topic: Offenses involving coal mines

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000 *
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Correctional Centers:**
Cannot be determined
- **Juvenile Detention Facilities:**
Cannot be determined

* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the 2013 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

The proposal expands § 18.2-153 of the *Code of Virginia*, relating to obstructing or injuring coal mines. Under the proposal, any person who maliciously obstructs, removes, or injures any part of a coal mine whereby the life of any person is put in peril would be guilty of a Class 4 felony. If the act is committed unlawfully but not maliciously, the offender would be guilty of a Class 6 felony. Currently, § 18.2-153 only applies to canals, railroads, and lines of any electric power company.

Analysis:

According to Circuit Court Case Management System (CMS) data for fiscal year (FY) 2009 through FY2013, four offenders were convicted of a felony under § 18.2-153 for obstructing or injuring a canal or railroad as the primary, or most serious offense. While two of these offenders did not receive an active term of incarceration to serve after sentencing, the remaining offenders were sentenced to a local-responsible (jail) term. Both of these offenders were sentenced to one month in jail. CMS data for this five-year period also indicate that one offender was convicted of a Class 4 felony under § 18.2-155 for maliciously injuring, removing, etc., a railroad signal. This offender was also sentenced for grand larceny and trespassing and received a state-responsible (prison) term of four years.

Existing data sources do not contain sufficient detail to determine the number of cases that would be affected by the proposal.

Impact of Proposed Legislation:

State adult correctional facilities. By expanding the applicability of existing felony offenses, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, existing data do not provide sufficient detail to estimate the number of new felony convictions,

or potentially longer sentences, that could result from enactment of the proposal. Therefore, the impact on prison bed space needs cannot be determined.

Local adult correctional facilities. Similarly, the proposal may increase local-responsible (jail) bed space needs; however, the magnitude of the impact cannot be determined.

Adult community corrections resources. Because the proposal could result in felony convictions and supervision requirements for additional offenders, the proposal may increase the need for adult community corrections resources. Since the number of cases that may be affected cannot be determined, the potential impact on community corrections resources cannot be determined.

Virginia's sentencing guidelines. Convictions under § 18.2-153 are not covered by the sentencing guidelines as the primary, or most serious, offense. Such a conviction, however, could augment the guidelines recommendation if the most serious offense at sentencing is covered by the guidelines. No adjustment to the guidelines is necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), the impact of the proposal on juvenile correctional center (JCC) bed space needs cannot be determined.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal's impact on the bed space needs of juvenile detention facilities cannot be determined.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the 2013 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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