



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1493

Amendment in the Nature of a Substitute (Patron Prior to Substitute – Miller)

LD#: 15104568

Date: 1/30/2015

Topic: Enticing, etc., another into dwelling with intent to commit certain felonies

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000 *
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
None (\$0)

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

**Provided by the Department of Juvenile Justice

* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the 2014 Acts of Assembly, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

The proposal adds § 18.2-50.3, relating to enticing another into a dwelling, to the *Code of Virginia*. Under the proposal, committing certain offenses, including murder, aggravated malicious wounding, robbery, rape, forcible sodomy, and object sexual penetration, within a dwelling house after enticing, soliciting, requesting, or otherwise causing the victim to enter the dwelling would be a Class 6 felony. The felony penalty would only apply to instances in which the offender enticed, etc., the victim to enter the dwelling with the intent to commit murder, malicious wounding, etc. As proposed, a violation of this provision would constitute a separate and distinct felony.

Analysis:

Virginia's criminal justice data systems do not contain sufficient detail to identify cases involving the felonies listed above (murder, aggravated malicious wounding, etc.) that occurred in a dwelling house after the offender enticed, etc., the victim to enter the dwelling.

Impact of Proposed Legislation:

State adult correctional facilities. By creating a new Class 6 felony offense, the proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. However, existing databases do not provide sufficient detail to estimate the number of convictions, or potentially longer sentences, that may result from enactment of the proposal. Therefore, the impact of the proposal 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 programs. Since the proposed felony offense affects offenders who may be prosecuted for a felony under existing law, the proposal is not expected to increase the need for community corrections resources.

Virginia's sentencing guidelines. The sentencing guidelines currently cover most of the felonies listed in the proposal (murder, malicious wounding, etc.). A conviction for the proposed offense would most likely be an additional offense to the primary felony and could augment the guidelines recommendation. No adjustment to the guidelines would be 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 2 of the 2014 Acts of Assembly, Special Session I, 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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