



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

**House Bill No. 2040**  
**As Enrolled**  
**(Patron Prior to Enrollment – Bell, Robert B.)**

LD #: Enrolled

Date: 3/11/2015

Topic: Prostitution

#### 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 amends § 18.2-355 to increase the penalty for certain prostitution-related offenses. Currently, under § 18.2-355(4), taking a minor into, or persuading, encouraging, or causing a minor to enter, a bawdy place for purposes of prostitution is punishable as a Class 4 felony. The proposal would increase the penalty for this offense to a Class 3 felony.

#### Analysis:

The 2014 General Assembly added taking or detaining a minor for purposes of prostitution to § 18.2-355 as a new felony offense effective July 1, 2014. Therefore, databases available to the Commission do not yet contain information regarding convictions for this crime.

#### Impact of Proposed Legislation:

**State adult correctional facilities.** By increasing the penalty for convictions under § 18.2-355(4) from a Class 4 felony to a Class 3 felony, 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 felony convictions, or potentially longer sentences, that would 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 also impact local-responsible (jail) bed space needs; however, the magnitude of the impact cannot be determined.

**Adult community corrections resources.** The proposal is not expected to increase the need for community corrections resources and will likely delay the need for services for some offenders affected by the proposal, as they will stay in jail or prison longer prior to being released to the community.

**Virginia’s sentencing guidelines.** Convictions under § 18.2-355(4) are not covered by the sentencing guidelines as the primary (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 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.**

prost26\_enrolled