



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 1199

(Patron – Wagner)

LD#: 15100037

Date: 8/25/2014

Topic: Acts of violence in certain locations

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

* 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 § 18.2-57.03, relating to the commission of acts of violence on or adjacent to certain locations, to the *Code of Virginia*. The proposal establishes a separate and distinct felony for committing an act of violence, as defined in § 19.2-297.1, while:

1. Upon the property of any school, institution of higher education, or licensed child day center;
2. Upon public property or any property open to public use within 1,000 feet of the property described in subdivision 1 above;
3. On any school bus;
4. Upon a designated school bus stop or upon public property within 1,000 feet of such school bus stop during the time when children are waiting to be picked up and transported to or from school or a school-sponsored activity;
5. Upon the property of any publicly owned or operated recreation or community center or any public library; or
6. Upon the property of any state hospital or training center operated by the Virginia Department of Behavioral Health and Developmental Services or upon public property within 1,000 feet of such an institution.

A violation of the proposed § 18.2-57.03 would be punishable by up to five years imprisonment. A second or subsequent conviction would result in a one-year mandatory minimum term of imprisonment, to be served consecutively with any other sentence.

Section 19.2-297.1 defines an “act of violence” as any one of a number of felony offenses listed in Chapter 4 (§ 18.2-30 et seq.) of Title 18.2 of the *Code of Virginia*. This list of offenses includes first and second degree murder, voluntary manslaughter, kidnapping, malicious wounding, robbery, rape, forcible sodomy, and arson of an occupied structure.

Analysis:

Incident-Based Reporting (IBR) crime data can be used to identify cases in which certain acts were committed on school property and were reported to police. According to calendar year (CY) 2012 and CY2013 IBR data provided by the Virginia Department of State Police and compiled by the Department of Criminal Justice Services, 1,077 incidents involving a violent act listed in the proposal occurred on school property during this time. Roughly one-third (35.7%) of these incidents were associated with an arrest.

Existing data sources do not contain sufficient detail to identify the final disposition of cases contained in IBR data or the number of acts of violence, as defined in § 19.2-297.1, that occur on other properties listed in the proposed bill.

Impact of Proposed Legislation:

State adult correctional facilities. Because it creates a new felony offense, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, existing databases do not provide sufficient detail to estimate the number of new felony convictions that may result from enactment of the proposal. Therefore, the magnitude of the impact cannot be determined.

Local adult correctional facilities. Similarly, the magnitude of the impact on local-responsible (jail) bed space needs cannot be determined.

Adult community corrections resources. Because the proposed crime would be an additional offense to an underlying felony, the proposal is not expected to increase the number of offenders on community supervision or participating in community corrections programs. The proposal may delay the need for services for some offenders, as they will be serving longer prison terms prior to being released to the community.

Virginia's sentencing guidelines. As a new felony in the *Code of Virginia*, the sentencing guidelines would not cover violations of the proposed § 18.2-57.03. However, convictions for this crime may 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.