



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1485

Amendment in the Nature of a Substitute (Patron Prior to Substitute – Bell, Richard P.)

LD#: 17105145

Date: 2/2/2017

Topic: Sex offenses prohibiting proximity to children

Fiscal Impact Summary:

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

- **Juvenile Direct Care:**
None (\$0)**
- **Juvenile Detention Facilities:**
None (\$0)**

** 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 780 of the 2016 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

The proposal amends §§ 18.2-370.2, 18.2-370.3, and 18.2-370.4, relating to offenders who have been convicted of crimes that prohibit them from being within a certain proximity to children. Under § 18.2-370.2, qualifying offenders are currently prohibited from going within 100 feet of any premises defined as a school, child day program, or public playground, athletic field or facility, or gymnasium. Similarly, certain sex offenders are prohibited from residing within 500 feet of any school, child day center, or certain public parks (§ 18.2-370.3). Under § 18.2-370.4, qualifying offenders are prohibited from working or engaging in any volunteer activity on the property of a school or child day center. All of the aforementioned violations are Class 6 felonies punishable by one to five years imprisonment. Under the proposal, the prohibited sex offenses would include any similar offense under the laws of any foreign country or its political subdivisions or the United States or any political subdivision thereof.

Analysis:

According to the Circuit Court Case Management System (CMS) for fiscal years 2011 through 2016, four offenders were convicted of felonies under § 18.2-370.2 during this time period. One offender did not receive an active term of incarceration to serve after sentencing; three offenders were given state-responsible (prison) sentences with a median sentence of one year. No felony convictions under §§ 18.2-370.3 and 18.2-370.4 were observed during the same time period.

Impact of Proposed Legislation:

State adult correctional facilities. By expanding the applicability of existing felonies, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, the number of additional felony convictions that may result from the proposal cannot be estimated; therefore, the magnitude of 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 programs. Because the proposal could result in felony convictions and subsequent supervision requirements for additional offenders, the proposal may increase the need for adult community corrections resources. The potential impact on community corrections programs, however, cannot be determined.

Virginia's sentencing guidelines. Convictions under the existing §§ 18.2-370.2, 18.2-370.3 and 18.2-370.4 are not covered by the sentencing guidelines as the primary (most serious) offense. Such convictions, 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 direct care. According to the Department of Juvenile Justice (DJJ), the proposal is not expected to increase direct care (juvenile correctional center or alternative commitment placement) bed space needs.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal is not expected to increase the bed space needs of juvenile detention facilities.

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 780 of the 2016 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 is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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