



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 1057

(Patron – Stuart)

LD#: 17101259

Date: 1/4/2017

Topic: Property destruction or injury during a riot

Fiscal Impact Summary:

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

- **Juvenile Direct Care:**
Cannot be determined *
- **Juvenile Detention Facilities:**
Cannot be determined *

* Provided by the Department of Juvenile Justice

Summary of Proposed Legislation:

The proposal amends § 18.2-414 of the *Code of Virginia* regarding injury to property or persons during a riot. Currently, it is a Class 6 felony for any person or persons, unlawfully or riotously assembled, to pull down, injure, or destroy any building or perpetrate any premeditated injury on the person of another. The proposal would increase the penalty for this offense to a Class 5 felony.

Analysis:

According to the Circuit Court Case Management System (CMS) for fiscal year (FY) 2011 through FY2016, two offenders were convicted under § 18.2-414 for causing injury to property or persons during a riot. This offense was the primary, or most serious, offense for one offender, who was sentenced to a local-responsible (jail) term of four months.

Impact of Proposed Legislation:

State adult correctional facilities. The proposed legislation would increase the penalty for causing property destruction or injury during a riot from a Class 6 to a Class 5 felony. However, during the most recent six-year period, no offender whose primary offense was a violation of § 18.2-414 received a state-responsible (prison) sentence. Therefore, the proposal is not expected to have an impact on the prison bed space needs of the Commonwealth during the six-year projection window specified by § 30-19.1:4 for legislative impact statements.

Local adult correctional facilities. By increasing the penalty for an existing felony offense, the proposal may increase local-responsible (jail) bed space needs; however, the magnitude of the impact cannot be quantified.

Adult community corrections resources. The impact on adult community corrections resources cannot be determined.

Virginia's sentencing guidelines. The sentencing guidelines do not cover violations of § 18.2-414 that are processed in Virginia's circuit courts. However, convictions under § 18.2-414 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 direct care. According to the Department of Juvenile Justice (DJJ), the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) bed space needs cannot be determined. The Department had no petitioned intake cases or committing offenses in the previous three fiscal years for the crime of property destruction or injury during a riot or unlawful assembly. However, as the proposal would enhance the offense from a Class 6 felony to a Class 5 felony, DJJ reports that it is expected to have an impact on DJJ beds.

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 is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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