

## Department of Planning and Budget 2018 Fiscal Impact Statement

**1. Bill Number: HB 502**

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed  
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

**2. Patron: Mullin**

**3. Committee: House Courts of Justice**

**4. Title: Criminal street gangs**

**5. Summary:**

Current law makes participation in a criminal act to benefit a criminal street gang a separate Class 5 felony offense. If the criminal street gang includes a juvenile member or participant, such participation in a criminal act to benefit the gang is a Class 4 felony. The recruitment of a juvenile to join a criminal street gang is also a felony offense. The law sets out the following definitions:

*“Criminal street gang”*—a group of three or more persons who meet the following criteria:

- Have as one of its primary objectives or activities the commission of criminal activities;
- Have an identifying name or symbol; and
- Engage in the commission of two or more “predicate criminal acts” of which at least one is an act of violence.

*“Predicate criminal act”*—an act of violence (as defined by statute) or any one of several specified assault, trespass, and vandalism offenses.

The proposed legislation would add sexual battery to the list of “predicate criminal acts”.

**6. Budget Amendment Necessary: Yes. Item 391.**

**7. Fiscal Impact Estimates: Preliminary. See Item 8 below.**

**Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2019	\$23,136	General
2020	\$0	
2021	\$0	

2022	\$0	
2023	\$0	
2024	\$0	

## 8. Fiscal Implications:

The proposed legislation expands Class 5 and Class 4 felony offenses. For someone convicted of a Class 5 felony, a judge has the option of sentencing him/her to up to one year in jail, or 1 to 10 years in prison. For a Class 4 felony, the possible sentence is 2 to 10 years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

The Virginia Criminal Sentencing Commission has determined that the proposed legislation also would result in the need for at least one partial local responsible (jail) bed. The Compensation Board reimburses localities \$4.00 per day for each local-responsible inmate held in jails. The current appropriation for the agency for per diem costs is sufficient to absorb this additional cost.

Given this and pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact on prison beds of \$23,136 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in the need additional prison bedspace, but less than one bed..

## 9. Specific Agency or Political Subdivisions Affected:

Department of Corrections  
Compensation Board  
Local and regional jails

## 10. Technical Amendment Necessary: None.

## 11. Other Comments: None.