

## Department of Planning and Budget 2019 Fiscal Impact Statement

**1. Bill Number:** HB2470H1

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

**2. Patron:** Gilbert

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

**4. Title:** Prostitution and human trafficking related crimes; minors; penalty.

**5. Summary:** The amendment in nature of substitute amends §18.2-355 ( taking, detaining, etc., person for prostitution, etc., or consenting, human trafficking) §18.2-356 (receiving money for procuring person), §18.2-357 (receiving money from earnings of male or female prostitute), and 18.2-357.1 (commercial sex trafficking) of the *Code of Virginia*. Specifically, it raises felony penalties and establishes mandatory minimum terms for certain prostitution and human trafficking offenses involving minors under the age of 15. Currently, the offenses involving minors under the aforementioned sections are Class 3 felonies, with a statutory penalty range from 5 to 20 years. The proposal increases the penalty to a Class 2 felony (statutory penalty range of 20 years to life) and requires a mandatory minimum term of imprisonment of 25 years the crime is against a minor under the age of 15.

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

**7. Fiscal Impact Estimates:** Preliminary (see Item 8 below).

**8. Fiscal Implications:** According to the Virginia Sentencing Commission (Commission), by increasing existing felony penalties and establishing mandatory minimum terms for the certain human trafficking and prostitution-related felonies involving minors less than 15 years of age, the bill may increase the state prison bed space needs of the Commonwealth. However, the Commission reports that existing databases do not provide sufficient detail to estimate the number of individuals who would be affected by the enactment of the proposal and as a result, the magnitude of the impact on prison bed space needs cannot be quantified. In such cases, Chapter 2 of the 2018 Acts of Assembly, Special Session I requires that a minimum impact of \$50,000 be assigned to the bill.

The Virginia Sentencing Commission reports that the proposed legislation is not expected to increase the need for local jail beds, since affected offenders would be required to serve a state prison term.

**9. Specific Agency or Political Subdivisions Affected:** Department of Corrections.

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None