



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 5139 (Patron – Robinson)

LD#: 20200677

Date: 8/18/2020

Topic: Projecting a laser at a law-enforcement officer

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
None (\$0)
- **Local Adult Correctional Facilities:**
None (\$0)
- **Adult Community Corrections Programs:**
None (\$0)

- **Juvenile Correctional Centers:**
Cannot be determined*
- **Juvenile Detention Facilities:**
Cannot be determined*

*Provided by the Department of Juvenile Justice

Summary of Proposed Legislation:

The proposal amends § 18.2-57.01, relating to pointing lasers at certain individuals. Currently, under § 18.2-57.01, intentionally projecting a beam or point of light from a laser, a laser gun sight, or any device that simulates a laser at a law-enforcement officer, probation or parole officer, or a correctional officer is punishable as a Class 2 misdemeanor. The proposal would increase the penalty for this offense to a Class 1 misdemeanor. However, if such an act results in blindness or a serious eye injury, the offense would be a Class 4 felony, and the sentence shall include a mandatory minimum term of confinement of two years.

Analysis:

According to the General District Court Case Management System (CMS) for FY2014 through FY2019, six offenders were convicted of a Class 2 misdemeanor under § 18.2-57.01 for pointing a laser at a law enforcement officer, probation or parole officer, or correctional officer. Of these, the violation of § 18.2-57.01 was the most serious offense in five cases. None of these individuals received an active period of incarceration to serve after sentencing.

Impact of Proposed Legislation:

State adult correctional facilities. The proposal creates a new Class 4 felony under § 18.2-57.01 for projecting a laser at a law-enforcement officer resulting in blindness or a serious eye injury. However, available data indicate that, in the six most recent fiscal years, no offender has received an active sentence of incarceration to serve for a violation of § 18.2-57.01. Therefore, the proposal is not expected to increase the state-responsible (prison) bed space needs of the Commonwealth during the six-year window specified by § 30-19.1:4 for legislative impact statements.

Local adult correctional facilities. Since no offender has received a local-responsible (jail) term for a violation of § 18.2-57.01 in the six most recent fiscal years, the proposal is not expected to increase jail bed space needs during the six-year window specified by § 30-19.1:4 for legislative impact statements.

Adult community corrections programs. The proposal is not expected to increase the need for community corrections resources and may delay the need for services for any offender sentenced to serve a longer incarceration term prior to being released to the community.

Virginia's sentencing guidelines. Convictions under § 18.2-57.01 are not covered by the sentencing guidelines when this offense is the primary, or most serious, offense in a case. However, convictions under this statute 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, the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) bed space needs cannot be determined.

Juvenile detention facilities. According to the Department of Juvenile Justice, the impact of the proposal 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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