



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 2175

(Patron – BaCote)

LD#: 07-2641222

Date: 1/3/2007

Topic: Offenses prohibiting proximity to children

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
Cannot be determined
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Correctional Centers:**
None (\$0)
- **Juvenile Detention Facilities:**
None (\$0)

Summary of Proposed Legislation:

The proposal amends § 18.2-370.2 to expand the list the of sex offenses that, upon conviction for one of these crimes, would prohibit the offender from being in the proximity of children. While the current provision specifies rape, forcible sodomy or object sexual penetration of a child under age 13, the proposal adds all other acts of rapes, forcible sodomy and object sexual penetration (regardless of victim age) to the list of crimes that, following conviction, prohibit proximity to children. Violation of § 18.2-370.2 is a Class 6 felony.

For crimes committed on or after July 1, 2007, the proposal also expands the list of premises included in the proximity restrictions (specified in §§ 18.2-370.2, 18.2-370.3 and 18.2-370.4) to include public recreation centers and community centers; the current list specifies schools and child day programs.

The 2006 General Assembly added §§ 18.2-370.3 (residential restrictions) and 18.2-370.4 (work and volunteer activity restrictions) to the *Code of Virginia*, and created additional restrictions to loitering in proximity of children (§18.2-370.2).

Analysis:

No available criminal justice database contains up-to-date information on the crimes affected by the proposal. Two of the affected statutes (§§18.2-370.3 and 18.2-370.4) were added by the 2006 General Assembly and § 18.2-370.2 was amended substantially.

There were no convictions under the former § 18.2-370.2 found in either the CY2004-CY2005 Pre/Post-Sentence Investigation (PSI) database or the CY2004-CY2005 Local Inmate Data System (LIDS).

Impact of Proposed Legislation:

State adult correctional facilities. By expanding the applicability of existing Class 6 felony provisions, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. The number of additional felony convictions that may result from the proposal cannot be estimated; therefore, the impact of the proposal on prison bed space needs cannot be determined.

Local adult correctional facilities. The proposal may also 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 an additional number of offenders, it may increase the need for adult community corrections resources. The potential impact on community corrections programs cannot be quantified.

Virginia's sentencing guidelines. Felony convictions under §§ 18.2-370.2, 18.2-370.3, and 18.2-370.4 are not covered by the sentencing guidelines as the primary (or most serious) offense in a case; however, convictions for these crimes may augment the guidelines recommendation if a covered offense is the most serious at sentencing. No adjustment to the guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), the proposal is not expected to increase juvenile correctional center (JCC) 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 and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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