



## Impact Analysis on Proposed Legislation

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### *Virginia Criminal Sentencing Commission*

#### House Bill No. 2185 (Patron – Miller, P.J.)

LD#: 07-9000422

Date: 12/13/2006

Topic: Registration and re-registration procedures under the Sex Offender and Crimes against Minors Registry Act

#### 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)

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#### Summary of Proposed Legislation:

The proposal amends § 9.1-903 to expand the requirements for offenders who must register or re-register with the Sex Offender and Crimes against Minors Registry. Under the proposal, an offender would have to report, in addition to other information already required, any e-mail address the offender may use.

The 2006 General Assembly revised the penalties for failing to register or re-register as required. For offenders who have not been convicted of a sexually violent offense or murder as defined in § 9.1-902, failure to fully comply with registration requirements is a Class 1 misdemeanor for the first offense and a Class 6 felony for any subsequent violation. Penalties are higher for offenders who have been convicted of a sexually violent offense or murder. For these offenders, failing to register or re-register in the prescribed manner is a Class 6 felony for the first offense and a Class 5 felony for a subsequent violation.

Prior to July 1, 2006, failing to register as required was a Class 1 misdemeanor or, in cases involving sexually violent offenders, a Class 6 felony. There were no penalty enhancements for subsequent violations.

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#### Analysis:

As of August 24, 2005, the Sex Offender and Crimes against Minors Registry (SOR) contained the names of 11,950 offenders living in Virginia. Most (82%) were registered as sexually violent offenders (defined in § 9.1-902).

According to the Local Inmate Data System (LIDS), 388 persons held pre- or post-trial in jail were convicted in CY2004 and CY2005 for failing to properly register with the Sex Offender and Crimes against Minors Registry. Most (69%) were sexually violent offenders convicted of a Class 6 felony for the Registry violation. Nearly half (49%) of the felony Registry violators were given a local-responsible (jail) sentence; more than one-third (37%) received a state-responsible (prison) term, where the median

sentence was two years. Data are not yet available for offenders sentenced under the revised penalties in effect as of July 1, 2006.

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** Because it could result in more Registry violations and additional felony convictions, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. While this may result in additional commitments to prison, the magnitude of the impact 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 resources.** Because the proposal could result in convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase the need for adult community corrections resources. Since the number of cases that may be affected by the proposal cannot be determined, the potential impact on community corrections resources cannot be quantified.

**Virginia's sentencing guidelines.** No adjustment to the guidelines is 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 (DJJ) reports that the proposal is not expected to increase the bed space needs of juvenile detention facilities.

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**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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