



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 2592

(Patron – Janis)

LD#: 07-0395348

Date: 12/19/2006

Topic: Subsequent convictions of certain sexual assaults

Fiscal Impact Summary:

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

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

Summary of Proposed Legislation:

The proposal amends § 18.2-67.5:3 and adds § 18.2-67.5:4 to expand the applicability of the mandatory life term specified in this provision for a second or subsequent violent felony sexual assault.

Currently, under § 18.2-67.5:3, an offender convicted of a second or subsequent violent sexual assault (rape, forcible sodomy, object sexual penetration, or abduction with intent to defile) is subject to a mandatory penalty of life of prison. However, if the offender's prior adjudication/conviction for violent sexual assault occurred while he was a juvenile and the second sex offense was committed more than 20 years later, the mandatory penalty of life does not apply.

The proposal adds § 18.2-67.5:4, which prescribes the same penalties as the existing § 18.2-67.5:3, but eliminates the restriction described above if both the current and prior offenses were committed against children under the age of 13. Under the proposal, if both violent sexual assaults were against children under age 13, the mandatory penalty of life applies no matter how much time has passed since the prior adjudication/conviction. The proposal also requires that the prior conviction be alleged in the warrant, indictment, or information for the case.

Analysis:

Data available to the Commission do not contain sufficient juvenile record detail to identify the number of offenders fitting the criteria specified in the proposal.

Impact of Proposed Legislation:

State adult correctional facilities. The proposed legislation 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. By expanding the applicability of the current mandatory penalty for certain repeat sex offenders, the proposal could increase the number of offenders receiving a life sentence. However, offenders who may be affected by this proposal have been convicted of crimes

that carry a penalty of up to life prison. Assuming that offenders convicted of a second violent felony sexual assault against a child under the age of 13 receive sentences in excess of six years under current provisions, any potential impact associated with additional offenders given life sentences would occur beyond the six-year forecast window required by § 30-19.1:4.

Local adult correctional facilities. The proposal will have no impact on the local-responsible (jail) bed space needs.

Adult community corrections programs. The proposal is not expected to increase the need for adult community corrections resources as offenders affected by the proposal will be required to serve a mandatory life sentence.

Virginia's sentencing guidelines. No adjustment to the sentencing guidelines is necessary under the proposal.

Juvenile correctional centers. According the Department of Juvenile Justice (DJJ), the proposal will have no impact on juvenile correctional center (JCC) bed space needs.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal will have no impact on the bed space needs of juvenile detention facilities.

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 is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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