



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 2755

(Patron – Hurt)

LD#: 07-5084340

Date: 12/22/2006

Topic: Sex Offender Registry

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 adds § 18.2-374.3 (relating to the use of a communications system to solicit or procure a minor for obscene material, prostitution, etc.) to the list of offenses for which registration with the Sex Offender and Crimes against Minors Registry (SOR) is required under § 9.1-902. In addition, the proposal expands the definition of “sexually violent offense” for the purposes of the Registry to include all convictions under § 18.2-374.1 for crimes related to the production, sale, financing, etc., of sexually explicit material involving minors; currently, only second or subsequent convictions under § 18.2-374.1 fall under the definition of a “sexually violent offense.”

The 2006 General Assembly amended the penalties for failing to register or re-register as required. For offenders convicted of a “sexually violent offense,” violation of registration requirements is a Class 6 felony for the first conviction and a Class 5 felony for any second or subsequent conviction (§ 18.2-482.1). For other offenders who are required to register, violation is a Class 1 misdemeanor for the first conviction and a Class 6 felony for any second or subsequent conviction.

Analysis:

In 2006, the Virginia Criminal Sentencing Commission conducted a special study of offenses involving child pornography and online/electronic solicitation of minors. According to the Commission’s data, from July 2002 through April 2006, 67 offenders studied were convicted under § 18.2-374.3. Under the proposal, these offenders would be required to register as sex offenders.

During the same time period, 47 offenders were convicted under § 18.2-374.1. The proposal would require all offenders convicted under this provision, not just those convicted of a second or subsequent violation, to register as a sexually violent offender.

As of December 15, 2006, the Sex Offender and Crimes against Minors Registry (SOR) contained the names of 13,180 offenders living in Virginia. Most (80%) are registered as sexually violent offenders (as defined in § 9.1-902).

According to calendar year (CY) 2004 and CY2005 Pre-Sentence Investigation (PSI) data, there were 97 offenders convicted of a Class 6 felony for failing to register as a sexually violent offender. Based on the CY2004 and CY2005 Local Inmate Data System (LIDS), there were 132 offenders convicted of a Class 1 misdemeanor for failing to register for any other sex offense.

Impact of Proposed Legislation:

State adult correctional facilities. Because it expands sex offender registration requirements, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. The 2006 General Assembly made substantial changes to Registry provisions, which became effective July 1, 2006; data for offenders prosecuted under the amended provisions are not yet available. Moreover, the number of additional felony convictions that may result from the proposal cannot be identified. Therefore, the magnitude of the impact cannot be determined.

Local adult correctional facilities. The proposal may also increase local-responsible (jail) bed space needs, but 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, 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 cannot be quantified.

Virginia's sentencing guidelines. No adjustment to Virginia's sentencing 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 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.

sorporn01_5084