Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 1227

(Patron – Howell et al.)

LD#: 07-7756134 **Date:** 12/27/2006

Topic: Extortion of immigrants

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

Summary of Proposed Legislation:

The proposal amends § 18.2-59 to make it a Class 5 felony for any person to extort money or other benefit from another by confiscating, withholding, or threatening to withhold any actual or purported passport, immigration document, or other government identification document.

Currently, under § 18.2-59, it is a Class 5 felony to 1) threaten injury to the character, person, or property of another person, 2) accuse him of any offense, or 3) threaten to report him as being illegally present in the United States in an attempt to extort money or other benefit from that person. This last element of § 18.2-59 was added by the 2006 General Assembly and became effective July 1, 2006.

Analysis:

According to the Local Inmate Data System (LIDS) for calendar years (CY) 2004 and CY2005, 10 offenders held pre- or post-trial in jail were convicted under § 18.2-59 for extortion. Six of the 10 offenders were given a state responsible (prison) term, for which the median sentence was 4 years.

The number of cases involving extortion of illegal immigrants is unknown. No data are available as yet for the element of § 18.2-59 relating to illegal immigrants that was added by the 2006 General Assembly.

Impact of Proposed Legislation:

State adult correctional facilities. Because it expands a felony offense, the proposal may have an impact on the future state-responsible (prison) bed space needs of the Commonwealth. However, existing databases do not provide sufficient detail to estimate the number of new felony convictions likely to result from enactment of the proposal. The magnitude of the impact on prison beds cannot be quantified.

Local adult correctional facilities. Because a felony conviction can result in a sentence to be served in a local or regional jail, the proposal may have an impact on future local-responsible (jail) bed space needs. However, the magnitude of the impact cannot be determined with existing data.

Adult community corrections resources. 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 resources cannot be quantified.

Virginia's sentencing guidelines. Convictions under § 18.2-59 are not covered by the sentencing guidelines as the primary (most serious) offense at conviction; however, convictions under this statute may augment the guidelines recommendation if a covered offense is the most serious at conviction.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), the impact of the proposal on juvenile correctional centers cannot be quantified.

Juvenile detention facilities. The Department of Juvenile Justice (DJJ) reports that the proposal's impact on juvenile detention facilities cannot be determined.

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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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