



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 1282

(Patron – Stosch)

LD#: 07-7763824

Date: 1/8/2007

Topic: Use of public records to perpetuate crime

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
Cannot be determined, likely to be small
- **Local Adult Correctional Facilities:**
Cannot be determined, likely to be small
- **Adult Community Corrections Programs:**
Cannot be determined, likely to be small

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

Summary of Proposed Legislation:

The proposal adds §18.2-511.1 to prohibit the use of public records to perpetuate any crime delineated in Chapter 4 of Title 18.2 (Crimes against Person). The proposed crime is a Class 1 misdemeanor; however, if the victim is a law enforcement officer, the crime is raised to a Class 6 felony.

The proposal also requires a court clerk, upon written request from a law enforcement officer, to remove any land records posted on the internet or available through secure remote access that indicates the law enforcement officer's place of residence or the place of residence of any spouse or child of that officer.

Analysis:

No information is available on the number of crimes defined in Chapter 4 of Title 18.2 that were perpetrated through the use of public records in Virginia. Person crimes defined in Chapter 4 carry statutory maximum penalties that equal or exceed the penalties for the proposed crimes in nearly all instances. The proposed crimes, therefore, would serve as additional offenses in the vast majority of cases.

Impact of Proposed Legislation:

State adult correctional facilities. By creating a new felony offense, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. Because the proposed will almost always be an additional offense to a crime with a higher maximum penalty, the impact of the proposal on prison beds is likely to be small.

Local adult correctional facilities. The proposal may increase local-responsible (jail) bed space needs. The magnitude of the impact cannot be quantified with existing data, although it is likely to be small.

Adult community corrections resources. 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. Any potential impact on community corrections resources is likely to be small.

Virginia's sentencing guidelines. As new crimes, convictions under § 18.2-511.1 would not be covered by the sentencing guidelines as the primary (most serious) offense in a case. If enacted, however, convictions under this statute may augment the guidelines recommendation when 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. Nonetheless, if a juvenile offender were adjudicated delinquent for the proposed felony, a judge could commit the juvenile to DJJ, where the minimum confinement assigned under the Department's Length of Stay (LOS) guidelines would be 6 to 12 months.

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.

pubrec01_7763