



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1126

(Patron – Jones, S.C.)

LD#: 08-8251584

Date: 12/17/2007

Topic: Producing abortion or miscarriage

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, likely to be negligible
- **Juvenile Detention Facilities:**
Cannot be determined, likely to be negligible

Summary of Proposed Legislation:

The proposal amends § 18.2-71, which prescribes penalties for unlawfully causing an abortion or miscarriage with the intent to destroy the unborn child. Under the proposal, language defining the crime is changed to allow the woman carrying the fetus to be prosecuted under this statute. The crime would remain a Class 4 felony under the proposal. The proposal provides an exception for use of a medically-approved contraceptive before or after sexual intercourse.

Analysis:

According to the fiscal Year (FY) 2006 and FY2007 Pre/Post-Sentence Investigation (PSI) database, there were no felony convictions for a violation of § 18.2-71 during this time period.

Impact of Proposed Legislation:

State adult correctional facilities. The proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. Existing databases lack sufficient detail to estimate the number of additional felony convictions that may result from the proposal; therefore, the impact of the proposal on prison bed space cannot be determined.

Local adult correctional facilities. The proposal may increase the local-responsible (jail) bed space needs, but the magnitude of the impact cannot be determined.

Adult community corrections programs. The proposal may increase the need for state community corrections resources, but the magnitude of the impact cannot be determined.

Virginia's sentencing guidelines. The guidelines do not cover violations of § 18.2-71 as the primary (or most serious) offense. A conviction under this provision, however, could augment the guidelines

recommendation if the most serious offense at sentencing is a covered offense. No adjustment to the sentencing guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), the proposal may have an impact on bed space needs in juvenile correctional centers. While the magnitude of the impact cannot be quantified, it is expected to be negligible.

Juvenile detention facilities. The Department of Juvenile Justice reports that the impact on the bed space needs of juvenile detention facilities cannot be determined, but it is expected to be negligible.

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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