



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1331

Enrolled

(Patron Prior to Enrollment – Landes)

LD#: Enrolled

Date: 2/26/2008

Topic: Recodification of Title 3.1

Fiscal Impact Summary:

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

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

Summary of Proposed Legislation:

The proposed Title 3.2 is a recodification of the existing Title 3.1 (Agriculture, Horticulture and Food). While nearly all of the proposed revisions of Title 3.1 involve either reorganization or technical changes necessary for the recodification, the proposal would increase felony penalties in three statutes.

In the current § 3.1-884.25 and proposed § 3.2-5410, three felony crimes are delineated – (a) bribery of an employee of the Board of Agriculture, (b) acceptance of a bribe by a Board of Agriculture employee, and (c) assaulting, resisting, intimidating, or interfering with a Board of Agriculture employee performing their official duties. Currently, each is subject to a penalty of one to three years. In the proposed Title 3.2, these crimes are defined as Class 6 felonies, punishable by one to five years in prison.

In the current § 3.1-884.31 and proposed § 3.2-5415, a violation for which no other criminal penalty is provided may be enhanced to a felony if it involves the intent to defraud or the distribution of an adulterated article. Currently, the felony penalty for this type of violation is one to three years, while the proposal defines this type of violation as a Class 6 felony.

In the current § 3.1-884.32 and proposed § 3.2-5416, it is a felony to make false statements or falsify documents required under Chapter 54 (Slaughterhouses, Meat, and Dressed Poultry). Currently, this is subject to a penalty of one to three years while, in the proposal, it is defined as a Class 6 felony.

The proposed Title 3.2 would become effective on October 1, 2008, and the existing Title 3.1 would be repealed as of that date.

Analysis:

According to Circuit Court Automated Information System (CAIS) for the calendar year (CY) 2005 and CY2006, there were no felony convictions for violations of §§ 3.1-884.25, 3.1-884.31 or 3.1-884.32.

Impact of Proposed Legislation:

State adult correctional facilities. By increasing the felony penalty for certain crimes, the proposal has the potential to increase the state-responsible (prison) bed space needs of the Commonwealth. Circuit court data, however, do not indicate any recent convictions for the affected crimes. The number of convictions that may occur in the future under these provisions cannot be estimated. For that reason, the impact of the proposal on prison bed space cannot be determined; however, the impact, if any, is expected to be negligible.

Local adult correctional facilities. The proposal has the potential to increase local-responsible (jail) bed space needs. The magnitude of the impact cannot be determined but is expected to be negligible.

Adult community corrections programs. The impact on adult community corrections programs cannot be determined but is expected to be negligible.

Virginia’s sentencing guidelines. Crimes under Title 3.1 are not currently covered by the guidelines, nor would crimes under the proposed Title 3.2. A conviction under one of these provisions, however, could augment the guidelines recommendation if the most serious offense at sentencing is a covered offense. No adjustment to the guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice, the proposal is not expected to increase juvenile correctional center 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.

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