



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 705

(Patron – BaCote)

LD#: 08-6198424

Date: 1/4/2008

Topic: Sex offenses prohibiting proximity to children

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 amends several statutes prohibiting proximity to children. Specifically, the proposal:

- Expands the definition of an “offense prohibiting proximity to children” in § 18.2-370.2 to include all acts of rape, forcible sodomy and object sexual penetration (currently, only acts committed against children under the age of 13 are specified);
- Expands § 18.2-370.2 to make it unlawful for an offender who is prohibited from being in proximity to children to enter or loiter within 100 feet of a public recreation center or community center (this provision currently applies to schools and child day centers) ;
- Removes high school from the list of prohibited places in § 18.2-370.2 and § 18.2-370.3, while continuing to specify primary and secondary schools;
- Expands § 18.2-370.3 to make it a Class 6 felony for an offender convicted of a qualifying offense to reside within 500 feet of a public recreation center or community center (the existing provision applies to schools and child day centers);
- Expands the work place restrictions defined in § 18.2-370.4 to include all acts of rape, forcible sodomy and object sexual penetration when the offender is an adult who is more than three years older than the victim and the crime is committed as part of certain kidnapping, burglary, or aggravated malicious wounding offenses (currently, this provision only covers such acts when the victim is under the age of 13);
- Expands § 18.2-370.4 to make it a Class 6 felony for an offender convicted of a qualifying offense to work or volunteer on the property of a public recreation center or community center (schools and child day centers are covered under current law);
- Amends § 18.2-10 to explicitly authorize judges to impose the residency and work restrictions contained in §§ 18.2-370.3 and 18.2-370.4.

Analysis:

Because the provisions of §§ 18.2-370.3 and 18.2-370.4 have been effective only for offenses committed on or after July 1, 2006, limited conviction and sentencing data are available.

According to fiscal year (FY) 2006 and FY2007 Pre-Sentence Investigation (PSI) data, there were no convictions under §§ 18.2-370.2, 18.2-370.3, and 18.2-370.4 involving sex offenders loitering at, residing near, or working on school property.

Impact of Proposed Legislation:

State adult correctional facilities. By expanding existing felony offenses, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. The number of additional felony convictions that may result from the proposal cannot be estimated; therefore, the impact of the proposal on prison bed space cannot be determined.

Local adult correctional facilities. The proposal may increase local-responsible (jail) bed space needs; however, 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 estimated.

Virginia's sentencing guidelines. 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.

Juvenile detention facilities. The Department of Juvenile Justice (DJJ) 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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