



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1928

(Patron – Lewis)

ID#: 09-0405596

Date: 12/12/2008

Topic: Sex Offender Registry

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 §§ 9.1-903 and 9.1-904 to expand the requirements for sex offenders who must register with the Sex Offender and Crimes Against Minors Registry. Under the proposal, registered sex offenders would be required to 1) provide their Internet Protocol address as part of the registration process, and 2) re-register in person and be photographed within three days following any significant change in appearance. Sex offenders must currently re-register in person following any name change, but the proposal adds a three-day time limit for offenders to do so.

The penalties for providing materially false information to the Registry or failure to meet the registration or re-registration requirements are delineated in § 18.2-472.1.

The General Assembly has revisited various sections in Chapter 9 of Title 9.1 (Sex Offender and Crimes Against Minors Registry Act) several times in recent years. In the 2008 session, the crimes requiring registration were restructured. During the 2007 session, the information required of registrants was expanded and the list of crimes requiring registration was expanded and reorganized. In 2006, the General Assembly increased the offenses requiring registration and the penalties for second SOR violations. In addition, the *Code* was changed to allow Juvenile and Domestic Relations courts to require a juvenile who has been adjudicated delinquent for a Registry offense to register.

Analysis:

The General District Court Automated Information System (CAIS) contains the most recent misdemeanor data reflecting the new penalties that became effective on July 1, 2006. Between July 1, 2006, and December 31, 2007, there were 247 offenders who were convicted of a Class 1 misdemeanor violation under § 18.2-472.1. The majority of these offenders (61%) were given no active term of incarceration. The remaining 39% were given a local-responsible (jail) term with a median sentence of three months.

According to the fiscal year (FY) 2006 and FY2007 Circuit Court CAIS database, 268 offenders were sentenced for a felony violation of § 18.2-472.1 during this time period (for these offenders, the Registry violation was the most serious offense at sentencing). While half (50%) of these offenders

received a local-responsible (jail) sentence (with a median sentence of six months), 33% received no active term of incarceration. For the remaining 17% of offenders who were given a state-responsible (prison) term, the median sentence was one year.

Impact of Proposed Legislation:

State adult correctional facilities. Expanding the types of information required during registration and requiring additional offenders to re-register in person may result in additional violations of Registry provisions. The number of additional felony convictions that may result from the proposal cannot be estimated; therefore, the magnitude of the impact on state-responsible (prison) bed space needs cannot be determined.

Local adult correctional facilities. Similarly, the impact of the proposal on local-responsible (jail) bed space needs cannot be quantified.

Adult community corrections resources. The impact of the proposal on state community corrections resources cannot be quantified.

Virginia's sentencing guidelines. Convictions under § 18.2-472.1 are not covered by the sentencing guidelines as the primary (most serious) offense in a case; however, convictions for these crimes may augment the guidelines recommendation if 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, the impact of the proposal on juvenile correctional center bed space needs cannot be determined.

Juvenile detention facilities. According to the Department of Juvenile Justice, the impact of the proposal on the bed space needs of 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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