



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 2189

(Patron – Phillips)

LD#: 09-8352680

Date: 12/12/2009

Topic: Disposal of a dead body

#### 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 § 18.2-323.01 to increase the penalty for the unlawful disposal of a dead body from a Class 1 misdemeanor to a Class 6 felony.

#### Analysis:

According to the calendar year (CY) 2006 and CY2007 General District Court Automated Information System (CAIS) database, six offenders were convicted of a misdemeanor under § 18.2-323.01. Four were sentenced to a local-responsible (jail) term (median sentence 6.5 months). The remaining two were not given an active term of incarceration.

#### Impact of Proposed Legislation:

**State adult correctional facilities.** Because it creates a new felony offense, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. The magnitude of the impact, however, cannot be quantified with existing data.

**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.

**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. Since the number of cases that may be affected by the proposal cannot be determined, the potential impact on community corrections resources cannot be quantified.

**Virginia's sentencing guidelines.** As new crimes, convictions under § 18.2-323.02 would not be covered by the sentencing guidelines as the primary (most serious) offense at conviction. If enacted,

however, convictions under this statute may augment the guidelines recommendation when a covered offense is the most serious at conviction. 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 to be convicted under the proposal, 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.**

body01\_8352