



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 1219

(Patron – Obenshain)

LD#: 09-1525288

Date: 1/9/2009

Topic: Hanging noose on property to intimidate

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
Cannot be determined (likely to be small)
- **Local Adult Correctional Facilities:**
Cannot be determined (likely to be small)
- **Adult Community Corrections Programs:**
Cannot be determined (likely to be small)

- **Juvenile Correctional Centers:**
Cannot be determined
- **Juvenile Detention Facilities:**
Cannot be determined

Summary of Proposed Legislation:

The proposal adds § 18.2-423.2 to the *Code of Virginia*. Under the proposal, any person who hangs a noose on the property of another, a highway, or other public place with the intent to intimidate would be guilty of a Class 6 felony.

Analysis:

The number of incidents involving the hanging of a noose to intimidate another is not available.

According to calendar year (CY) 2006 and CY2007 Circuit Court Automated Information System (CAIS) data, there were no offenders sentenced for intimidation by burning an object on private property or in a public place in violation of § 18.2-423.01, burning a cross in violation of § 18.2-423, or by placing a swastika on a structure in violation of § 18.2-423.1.

Impact of Proposed Legislation:

State adult correctional facilities. Because the proposal creates a new felony, it may increase the future state-responsible (prison) bed space needs of the Commonwealth. According to available data, however, there have been no convictions during a recent two-year period for similar acts of intimidation that are defined in existing *Code*. While the number of additional felony convictions that may result from the proposal cannot be quantified, the impact of the proposal on prison beds is likely to be small.

Local adult correctional facilities. Similarly, the proposal may increase the future local-responsible (jail) bed space needs of the Commonwealth. While the impact cannot be quantified, it is likely to be small.

Adult community corrections programs. By defining a new felony, the proposal may increase the

need for state community corrections resources. Nonetheless, the impact is likely to be small.

Virginia's sentencing guidelines. As a new felony, a conviction under the proposed § 18.2-423.2 would not be covered by the sentencing guidelines as the primary (most serious) offense at conviction. However, convictions under this statute may augment the guidelines recommendation if 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 impact of the proposal on juvenile correctional center (JCC) 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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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