



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 1256

(Patron – Marsh)

LD#: 09-1523264

Date: 1/6/2009

Topic: Limitation of prosecution for murder or manslaughter

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 adds § 18.2-8.1 to the *Code of Virginia* to allow prosecution for murder or manslaughter regardless of the time that elapsed from the injury, act, or omission of care that caused the death of the victim to the actual death. Currently, there is no statute of limitation for murder. This proposal clarifies that there is no statute of limitation when the death of the victim is not instantaneous, but occurs at sometime in the future.

Analysis:

Existing databases do not provide sufficient detail to allow for analysis relating to prosecution for murder or manslaughter, when the death of the victim occurred sometime after the injury was inflicted.

Impact of Proposed Legislation:

State adult correctional facilities. Because it potentially expands the application of murder and manslaughter statutes, 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. The sentencing guidelines cover violations of murder and manslaughter statutes that are processed in Virginia's circuit courts. 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 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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