



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 1333 (Patron – Cuccinelli)

LD#: 09-1519216

Date: 1/14/2009

Topic: Prohibited paramilitary activity

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
Cannot be determined, likely negligible
- **Local Adult Correctional Facilities:**
Cannot be determined, likely negligible
- **Adult Community Corrections Programs:**
Cannot be determined, likely negligible

- **Juvenile Correctional Centers:**
None (\$0)
- **Juvenile Detention Facilities:**
None (\$0)

Summary of Proposed Legislation:

The proposal amends § 18.2-433.2 making it a Class 5 felony if a person provides land or other resources knowing that the land or resource is or will be used to conduct paramilitary activities outlined in subdivision 1 or 2 of the same section.

Currently, under § 18.2-433.2, subdivision 1, it is a Class 5 felony to teach or demonstrate to another person the use, application, or making of any firearm, explosive, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that such training will be employed for use in civil disorder. Under subdivision 2 in the same section, it is a Class 5 felony to assemble with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, explosive, or technique capable of causing injury or death to persons, intending to employ such training for use in civil disorder.

Analysis:

According to the FY2006 and FY2007 Circuit Court Automated Information System (CAIS) database, there were no felony convictions under § 18.2-433.2 involving teaching or assembling for paramilitary activity to cause disorder.

Impact of Proposed Legislation:

State adult correctional facilities. Adding a new Class 5 felony crime to the *Code of Virginia* may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, being that there were no convictions under the statute for paramilitary activity during the two-year period, the impact is expected to be negligible.

Local adult correctional facilities. Similar to the prison impact, the impact on local responsible (jail) bed space needs is expected to be negligible.

Adult community corrections resources. Adding a Class 5 felony to the *Code* may increase the demand for local and state community corrections resources. The *Code of Virginia* allows judges to utilize local community-based probation programs for Class 5 and Class 6 felons as well as misdemeanants. Although the impact on local or state community corrections resources cannot be determined, it is expected to be negligible.

Virginia's sentencing guidelines. Felony convictions under § 18.2-433.2 are not covered by the sentencing guidelines as the primary (most serious) offense. A conviction under this provision, however, could augment the guidelines recommendation if the most serious offense at sentencing is covered by the guidelines. No adjustment to the sentencing 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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