



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1178 (Patron – Phillips)

LD #: 10101229

Date: 12/21/2009

Topic: Combative fighting

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000 *
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

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

* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 781 of the 2009 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

The proposal expands § 54.1-835 to make it a Class 1 misdemeanor for any person to engage in the promotion, arrangement, or conduct of, or to participate in, combative fighting, including “tough man contests” or “fight clubs.” A third or subsequent violation of § 54.1-835 within three years is a Class 6 felony. Under the proposed § 54.1-828, combative fighting is defined as an unlicensed boxing or wrestling match, contest, or exhibition between at least two participants in which the participants use their hands, feet, or both to strike each other.

Section 54.1-835 currently outlines a number of other crimes relating to boxing and wrestling. Currently, it is a Class 1 misdemeanor: 1) to engage in the promotion, arrangement, or conduct of, or to participate in, a boxing or wrestling event without obtaining an appropriate license, 2) to employ or arrange for an individual to compete in a boxing or wrestling match without a license, 3) to permit any betting or wagering at a boxing or wrestling event, or 4) to violate any statute or regulation governing a profession regulated pursuant to chapter 8.1 of Title 54.1. A third or subsequent violation of this section within three years is a Class 6 felony.

Analysis:

According to the Local Inmate Data System (LIDS) for calendar years 2007 and 2008, one offender held pre- or post-trial in jail was convicted of a misdemeanor violation under § 54.1-835 where this crime was the primary, or most serious, offense in the sentencing event. This offender was convicted of failing to obtain a permit under § 54.1-835(A) and did not receive an active term of incarceration.

According to the fiscal year (FY) 2007 and FY2008 Pre/Post-Sentence Investigation (PSI) database, no offenders were convicted of a felony for a third or subsequent violation of § 54.1-835.

Impact of Proposed Legislation:

State adult correctional facilities. Because it expands an existing felony offense, the proposal may have an impact on the future state-responsible (prison) bed space needs of the Commonwealth. However, existing databases do not provide sufficient detail to estimate the number of new felony convictions likely to result from enactment of the proposal. The magnitude of the impact on prison beds cannot be quantified.

Local adult correctional facilities. Because a felony conviction can result in a sentence to be served in a local or regional jail, the proposal may have an impact on future local-responsible (jail) bed space needs. However, the magnitude of the impact cannot be determined with existing data.

Adult community corrections programs. Because the proposal could result in 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 cannot be determined, the potential impact on community corrections resources cannot be quantified.

Virginia’s sentencing guidelines. Convictions under § 54.1-835 are not covered by the guidelines as the primary, or most serious, offense. Such a conviction, however, could augment the guidelines recommendation if the most serious offense at sentencing is covered by the guidelines. 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. According to the Department of Juvenile Justice (DJJ), 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; therefore, Chapter 781 of the 2009 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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