



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 571

(Patron – Iaquinto)

LD #: 10102781

Date: 12/21/2009

Topic: Punishment for accessories after the fact

#### 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:**  
Cannot be determined
- **Juvenile Detention Facilities:**  
Cannot be determined

\* 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 proposed legislation amends § 18.2-19 to increase the penalty for being an accessory after the fact to a (a) criminal homicide other than involuntary manslaughter, (b) felony sexual assault as defined in Article 7 (18.2-61 et seq.) of Chapter 4 of Title 18.2, or (c) robbery. Under the proposal, the penalty for being an accessory after the fact to the specified crimes is increased from a Class 1 misdemeanor to a Class 6 felony. For all other felony crimes, being an accessory after the fact would remain a Class 1 misdemeanor.

#### Analysis:

According to the CY2007 and CY2008 Local Inmate Data System (LIDS), 13 offenders were charged with homicide, felony sexual assault, or robbery but were convicted of a misdemeanor under § 18.2-19 for being an accessory after the fact. In each of these cases, however, the offender was also convicted of at least one felony crime.

#### Impact of Proposed Legislation:

**State adult correctional facilities.** The proposal would increase the penalty for being an accessory after the fact from a Class 1 misdemeanor to a Class 6 felony in certain circumstances. In this way, the proposed legislation may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, the databases available to the Commission do not contain sufficient detail to estimate the number of convictions affected by the proposal. Therefore, the magnitude of the impact cannot be quantified.

**Local adult correctional facilities.** The proposal could also affect the local-responsible (jail) bed space needs of the Commonwealth. However, the magnitude of the impact cannot be determined.

**Adult community corrections programs.** Because the proposal could result in additional felony convictions and subsequent supervision requirements, the proposal may affect 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.** The proposed Class 6 felony would not be covered by the sentencing guidelines as the primary (most serious) offense in a sentencing event. 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, the impact of the proposal on juvenile correctional center 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.

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**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 cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

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