



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 989

(Patron – Nutter)

LD #: 10101891

Date: 12/28/2009

Topic: Issuing bad checks

#### Fiscal Impact Summary:

- **State Adult Correctional Facilities:**  
None (\$0)
- **Local Adult Correctional Facilities:**  
None (\$0)
- **Adult Community Corrections Programs:**  
None (\$0)

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

#### Summary of Proposed Legislation:

The proposal clarifies § 18.2-181 to specify that this section includes instances where individuals, with the intent to defraud, make, draw, utter or deliver a check, draft or order in payment of rent pursuant to a lease agreement knowing that there are insufficient funds in the account upon which it is drawn. If the represented value is \$200 or more, the offense is a Class 6 felony; if the represented value is less than \$200, the offense is a Class 1 misdemeanor.

#### Analysis:

According to calendar year (CY) 2007 and CY2008 Local Inmate Data System (LIDS) data, a misdemeanor violation of § 18.2-181 was the most serious offense for 552 offenders held pre- or post-trial in jail during this time period. The majority (69.2%) were sentenced to a jail term, with a median sentence length of 1.3 months, while 14.1% did not receive an active term of incarceration to serve after sentencing.

According to the fiscal year (FY) 2008 and FY2009 Sentencing Guidelines database, 1,331 offenders were sentenced for a felony violation of § 18.2-181 for issuing bad checks with a represented value of \$200 or more. The fraud was the primary, or most serious, offense in 1,083 of these cases. While roughly 38% of these offenders did not receive an active term of incarceration, 29% were sentenced to a local-responsible (jail) term, with a median sentence length of seven months. For the 33% who were given a state-responsible (prison) term, the median sentence was 1.8 years.

#### Impact of Proposed Legislation:

**State adult correctional facilities.** Since the proposal clarifies an existing felony offense, it is not expected to increase the state-responsible (prison) bed space needs of the Commonwealth.

**Local adult correctional facilities.** The proposal is not expected to affect local-responsible (jail) bed space needs.

**Adult community corrections programs.** The proposal is not expected to affect adult community corrections programs.

**Virginia's sentencing guidelines.** Felony violations of § 18.2-181 are covered by the sentencing guidelines as the primary offense. 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 have an impact on juvenile correctional center (JCC) bed space needs.

**Juvenile detention facilities.** According to the Department of Juvenile Justice (DJJ), the proposal is not expected to have an impact on the bed space needs of juvenile detention facilities.

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**Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 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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