



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1579

Amendment in the Nature of a Substitute (Patron Prior to Substitute – Dance)

LD #: 11104814

Date: 1/28/2011

Topic: Sex Offender Registry

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 874 of the 2010 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

The proposal amends §§ 9.1-903, 9.1-905, and 9.1-913 to expand the required information that a Sex Offender and Crimes Against Minors Registry (SOR) registrant must provide. Currently, registrants must provide electronic mail address information, any instant message, chat or other Internet communication name or identity information that the person uses or intends to use, submit to have his fingerprints and palm prints taken, provide information regarding his place of employment, and provide motor vehicle, watercraft and aircraft registration information for all motor vehicles, watercraft and aircraft owned by him. Under the proposal, registrants would also need to provide information on any temporary residences in which the registrant will abide, lodge or reside for a period of seven or more days in the aggregate during any calendar year and is not the registrant's previously registered residence.

The General Assembly has revisited various sections in Chapter 9 of Title 9.1 (Sex Offender and Crimes Against Minors Registry Act) since enactment in 2003. Most recently, the 2010 General Assembly required registrants who do not have physical address to designate a location where he resides or habitually locates himself. In the 2008 session, the crimes requiring registration were restructured. During the 2007 session, the information required of registrants was expanded and the list of crimes requiring registration was expanded and reorganized. In 2006, the General Assembly added to the list of offenses requiring registration and increased the penalties for second Registry violations. In addition, the *Code* was changed to allow Juvenile and Domestic Relations courts to require a juvenile who has been adjudicated delinquent for a Registry offense to register.

Analysis:

The General District Court Automated Information System (CAIS) contains the most recent data for misdemeanor violations related to failing to register or re-register as required or providing false information to the Registry. For fiscal years 2009 and 2010, 387 offenders who were not defined as

sexually violent were convicted of a misdemeanor for a Registry violation (as the most serious offense). Of these offenders, 47% did not receive an active term of incarceration. The median sentence length for the 53% who were given a local-responsible (jail) term was 2.0 months.

According to the Circuit Court CAIS database for fiscal years 2008 and 2009, there were 829 felony convictions for a Registry violation under § 18.2-472.1 during this time period. For 646 of these offenders, the Registry violation was the most serious offense at sentencing. While nearly half (45%) of these offenders received a local-responsible (jail) sentence (with a median sentence of 6 months), 34% received no active term of incarceration. For the remaining 21% of offenders who were given a state-responsible (prison) term, the median sentence was 1.0 year.

Impact of Proposed Legislation:

State adult correctional facilities. The proposed legislation adds a requirement for registrants to provide information to the Sex Offender and Crimes Against Minors Registry on any temporary residences that the registrant will occupy for an aggregate of seven or more days during the calendar year. By requiring additional information from registrants, the proposal could result in additional felony convictions for violations of Registry provisions. In this way, the proposal could increase the future state-responsible (prison) bed space needs of the Commonwealth. However, data are not sufficiently detailed to identify how many sex offender registrants have temporary residences or how many additional felony convictions may result should the proposal be enacted. While the magnitude of the impact cannot be quantified, the impact is likely to be minimal.

Local adult correctional facilities. Similarly, the magnitude of the impact on local-responsible (jail) bed space needs cannot be quantified.

Adult community corrections resources. The potential impact on community corrections resources cannot be quantified.

Virginia's sentencing guidelines. Convictions under § 18.2-472.1 are not covered by the current sentencing guidelines as the primary (most serious) offense in a case. 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 874 of the 2010 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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