



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1898

Amendment in the Nature of a Substitute (Patron Prior to Substitute – Hugo and Watts)

LD #: 11105125

Date: 2/7/2011

Topic: Abduction of minors for sexual purposes

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 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 §§ 18.2-48, 18.2-67.7 and 18.2-356 of the *Code of Virginia* relating to abduction of minors for sexual purposes. The proposal would expand the applicability of the Class 2 felony under § 18.2-48(iii) making it illegal to abduct any minor, regardless of age, for the purpose of concubinage, prostitution, or the manufacture of obscene material or child pornography. Currently, the Class 2 felony only applies to victims under sixteen years of age. Under the proposal, consent of the minor to the sexual act shall not be considered a defense. Furthermore, the proposal would make it a Class 4 felony under § 18.2-48 to abduct any adult for the purpose of concubinage or prostitution.

Finally, the proposal expands § 18.2-356 making it a Class 4 felony to receive money for procuring a person for purposes of concubinage, prostitution, or the manufacture of obscene material or child pornography. Currently, under § 18.2-356 it is a Class 4 felony to receive money for procuring for or placing in a house of prostitution any person for the purpose of causing such person to engage in unlawful sexual intercourse or any act in violation of § 18.2-361.

Analysis:

FY2009 and FY2010 Sentencing Guidelines data reveal two cases in which an offender was convicted under § 18.2-48(iii) for abducting a child under 16 years of age for immoral purposes (as the primary offense). Both defendants received active prison sentences of 4 years and 20 years, respectively.

The Sentencing Guidelines data for this period indicate that two offenders were convicted of receiving money for procuring a prostitute under § 18.2-356. One offender received a jail term of 20 days and the other offender received a prison term of 1.6 years.

Impact of Proposed Legislation:

State adult correctional facilities. By expanding the applicability of existing felonies, the proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. The number of additional felony convictions that may result from the proposal cannot be estimated; therefore, the magnitude of the impact cannot be determined.

Local adult correctional facilities. The proposal may also increase local-responsible (jail) bed space needs, but the magnitude of the impact cannot be determined.

Adult community corrections programs. Because the proposal could result in felony convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase the need for state community corrections resources. Since the number of cases that may be affected by the proposal cannot be estimated, the potential impact on community corrections cannot be quantified.

Virginia's sentencing guidelines. Felony convictions under §§ 18.2-48 and 18.2-356 are covered by the sentencing guidelines when these crimes are the primary (or most serious) offense in a case. No adjustment to the sentencing guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), the impact of the proposal on juvenile correctional center (JCC) bed space needs cannot be determined.

Juvenile detention facilities. According to the Department of Juvenile Justice (DJJ), the effect of the proposal on the bed space needs of juvenile detention facilities cannot be determined.

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

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