



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 2457 (Patron – Abbitt)

LD#: 11103885

Date: 1/17/2011

Topic: Abandoned and salvage vehicles

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 increases the penalty for any second and subsequent violation of the provisions found in Chapter 16 of Title 46.2, pertaining salvage, non-repairable, and rebuilt vehicles. Currently, violation of any provision of this chapter is a Class 1 misdemeanor. Under the proposal, the penalty for a second or subsequent violation would increase to a Class 5 felony and will result in the suspension of any salvage license issued under this chapter.

In addition, the proposal provides that a licensee who utilizes machinery to crush a vehicle must apply for a permit if such crushing is to occur at a location not specified on the license.

Under the proposal, law enforcement officials would be allowed to examine salvage vehicles that have been repaired or rebuilt for highway use.

Finally, the proposal amends the definition of an “abandoned motor vehicle” in § 46.2-1200 by removing any vehicle that has remained unclaimed in a garage for more than 10 days or has remained unclaimed in a storage unit.

Analysis:

According to the General District Court Automated Information System (CAIS) for fiscal years 2009 and 2010, six offenders were convicted of a Class 1 misdemeanor under the salvage provisions of Chapter 16 of Title 46.2. One of these offenders was convicted of multiple counts of salvage violations and would qualify for the elevated felony penalty contained in the proposal. None of the six offenders had a prior salvage violation during the period dating back to 2002.

Impact of Proposed Legislation:

State adult correctional facilities. By increasing the penalty for second or subsequent violations of salvage provisions to a Class 5 felony, the proposal could increase the future state-responsible (prison) bed space needs of the Commonwealth. Given the limited data available, the impact of the proposal on prison beds cannot be quantified. Nonetheless, the impact is likely to be small.

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

Adult community corrections resources. Raising a crime from a Class 1 misdemeanor to a Class 5 felony may decrease the demand for local community-based probation services and increase the need for state community corrections resources. The *Code of Virginia*, however, allows judges to utilize local community-based probation programs for Class 5 and Class 6 felons as well as misdemeanants. Data are not available to estimate the impact on local or state community corrections resources that may result from the proposal.

Virginia's sentencing guidelines. Convictions under Chapter 16 of Title 46.2 are not covered by the 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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