



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 118 (Patron – Edmunds)

LD#: 12100110 Revised

Date: 11/28/2011

Topic: Boating hit and run, property damage

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 890 of the 2011 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

The proposal modifies § 29.1-740 relating to boat-related hit and run resulting in property damage. Currently, boating hit and run involving property damage, without physical injury, is a Class 1 misdemeanor; however, if the vessel struck is unattended and the damage is less than \$50, the penalty is a fine up to \$50. Under the proposal, operators of vessels who fail to stop and render assistance where the property damage is \$2,000 or more would be guilty of a Class 6 felony. Currently, under § 29.1-740, a boat-related hit and run involving physical injury is a Class 6 felony.

Section 46.2-894 specifies the felony penalties for drivers who commit motor vehicle-related hit and run offenses. Under § 46.2-894, hit and run involving attended property causing damage of \$1,000 or more is a Class 5 felony. Motor vehicle-related hit and run involving victim injury is a Class 5 felony.

Analysis:

According to FY2010 and FY2011 General District Court Automated Information System (CAIS) data, one offender was convicted of a misdemeanor violation of § 29.1-740 for boating hit and run involving property damage. This offender did not receive an active term of incarceration to serve. Criminal justice databases are insufficient to determine the amount of property damage in this case.

Impact of Proposed Legislation:

State adult correctional facilities. Because it creates a new felony offense, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, existing databases do not provide sufficient detail to estimate the number of new felony convictions likely to result from

enactment of the proposal. The magnitude of the impact on prison beds cannot be quantified, but is likely to be small.

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

Adult community corrections programs. Because the proposal could result in additional felony convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase the need for 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. Convictions under § 29.1-740 are not covered by the sentencing guidelines as the primary (most serious) offense in a case; however, a conviction under this provision may 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), DJJ received no intake petitions involving a juvenile alleging a violation of § 29.1-740 for fiscal years 2009, 2010, and 2011. However, it is possible that a juvenile could be subjected to the provisions of § 29.1-740; therefore, the impact of the proposal on juvenile correctional center (JCC) bed space needs cannot be determined.

Juvenile detention facilities. Similarly, the Department of Juvenile Justice reports that 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 890 of the 2011 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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