



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 87 (Patron – Knight)

LD#: 12100212

Date: 11/22/2011

Topic: Interference with operation of an aircraft

#### 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 amends § 5.1-22 of the *Code of Virginia* to specify that anyone (except as authorized by the Federal Aviation Administration or the armed forces of the United States) who knowingly projects a laser at an aircraft is guilty of interfering with the operation of the aircraft. Currently, interference with the operation of an aircraft is a Class 1 misdemeanor; however, if the act endangers the life of the aircraft's operator or any other person, the offender is guilty of a Class 6 felony. The existing statute does not explicitly include the use of lasers.

#### Analysis:

According to the General District Court Automated Information System (CAIS) for fiscal year (FY) 2010 and FY2011, four offenders were convicted of a Class 1 misdemeanor for interfering with the operation of an aircraft. It is unknown whether any of these offenses may have involved the use of a laser. One offender (25%) received a local-responsible (jail) term of 20 days; the remaining three offenders (75%) did not receive an active period of incarceration to serve after sentencing. According to Circuit Court CAIS data for FY2010 and FY2011, there were no felony convictions under § 5.1-22 for interference with the operation of an aircraft with endangerment.

#### Impact of Proposed Legislation:

**State adult correctional facilities.** The proposal expands the definition of interference with the operation of an aircraft (a Class 6 felony) under certain circumstances. The proposal may therefore increase the need for state-responsible (prison) beds. The number of additional felony convictions that

could result from the proposal cannot be estimated; therefore the impact of the proposal cannot be determined.

**Local adult correctional facilities.** Because it expands the definition of a Class 1 misdemeanor offense, the proposal may increase local-responsible (jail) bed space needs; however, the magnitude of the impact cannot be determined.

**Adult community corrections resources.** Because the proposal may result in additional felony offenders on community supervision, the proposal may have an impact on local and state community corrections resources. However, the full cost of the impact on adult community corrections cannot be estimated.

**Virginia's sentencing guidelines.** The guidelines do not cover felony convictions under § 5.1-22 when this crime is the primary (most serious) offense in the case. A conviction under this provision, however, could augment the guidelines recommendation as an additional offense if the most serious offense at sentencing is covered by the guidelines. No adjustment to the sentencing guidelines would be necessary under the proposal.

**Juvenile correctional centers.** According to the Department of Juvenile Justice (DJJ), a juvenile may be subjected to the proposed amendments; however, the impact of the proposal on juvenile correctional center (JCC) bed space needs cannot be determined.

**Juvenile detention facilities.** The Department of Juvenile Justice reports that, although a juvenile may be subjected to the proposed amendments, the impact of the proposal on the bed space needs of juvenile detention facilities cannot be determined.

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**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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