



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1606 (Patron – Hugo, T.)

LD #: 13100986

Date: 11/28/2012

Topic: Solicitation of a minor for prostitution

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 3 of the Acts of Assembly of 2012, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

The proposal amends § 18.2-346 to increase the punishment for soliciting a prostitute if the person being solicited is a minor. Under the proposal, the penalty for soliciting a minor 16 years of age or older would increase from a Class 1 misdemeanor to a Class 6 felony, while the penalty for soliciting a minor under the age of 16 would increase to a Class 5 felony.

Analysis:

According to fiscal year (FY) 2010 and FY2011 data from the General District Court Case Management System¹ and the Local Inmate Data System (LIDS), there were 1,649 sentencing events involving at least one conviction for a misdemeanor prostitution-related offense. In 452 of these events, data indicated that the offender was convicted under § 18.2-346(B) for soliciting another for prostitution (i.e., offering money or its equivalent to another for sexual acts). No information is available to indicate the age of the person solicited. Consequently, it is not possible to estimate the number of offenders who would be eligible for felony prosecution under the proposed legislation.

Misdemeanor Prostitution Sentencing Events*

	FY2010	FY2011	TOTAL
§ 18.2-346(A) Prostitution for money	336	262	598
§ 18.2-346(B) Solicitation for prostitution	250	202	452
§ 18.2-347 Maintain or frequent bawdy place	21	28	49
§ 18.2-348 Aid or assist in procurement of prostitute	17	27	44
§ 18.2-349 Use vehicle to promote prostitution	6	3	9
General misdemeanor prostitution (type cannot be determined from available data)	271	226	497
TOTAL SENTENCING EVENTS	901	748	1,649

Sources: Supreme Court of Virginia - General District Court Case Management System;
Local Inmate Data System (LIDS)

¹ Formerly referred to as the Court Automated Information System (CAIS).

Impact of Proposed Legislation:

State adult correctional facilities. Because it increases the penalty for an existing Class 1 misdemeanor to a Class 6 or Class 5 felony under certain circumstances, the proposal could increase the need for state-responsible (prison) beds. 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 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 impact on adult community corrections cannot be estimated.

Virginia's sentencing guidelines. As a new felony, convictions under the proposed statute would not be covered by the sentencing guidelines when this crime is the primary (most serious) offense. Conviction for such an offense, 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. The Department of Juvenile Justice reports that the proposal's impact on bed space needs for juvenile correctional centers cannot be determined.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal's impact on juvenile detention center bed space needs 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 3 of the Acts of Assembly of 2012, Special Session I, 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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* Several sentencing events had more than one misdemeanor prostitution conviction in the event. For these cases, the primary offense was selected based on the following order of offenses: prostitution for money (§ 18.2-346(A)), solicitation (§ 18.2-346(B)), general prostitution, aid/abet prostitution (§ 18.2-348), maintain/frequent a bawdy place (§ 18.2-347), use a vehicle to promote prostitution (§ 18.2-349).