

## Department of Planning and Budget 2014 Fiscal Impact Statement

**1. Bill Number: SB 433**

House of Origin	<input type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input checked="" type="checkbox"/>	Engrossed
Second House	<input checked="" type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

**2. Patron: McDougle**

**3. Committee: House Courts of Justice**

**4. Title: Modifications of sentencing guidelines**

**5. Summary:**

The primary function of the Virginia Criminal Sentencing Commission is to develop and maintain guidelines for use by circuit court judges in sentencing persons convicted of felony offenses. The guidelines are based on actual time served for offenders convicted of specific statutes under comparable conditions. The use of the guidelines by judges is discretionary, but judges impose sentences within the parameters set by the guidelines in 80 percent of the cases heard.

As part of its responsibility of maintaining the guidelines, the Sentencing Commission periodically re-analyzes the sentencing patterns for specific offenses, especially those in which judges depart from the guidelines significantly more than normal. If after this analysis, the Sentencing Commission feels that a revision in the guidelines is warranted, it includes such a recommendation in its annual report to the General Assembly. By law, any recommended change in the guidelines is implemented at the beginning of the fiscal year after the Sentencing Commission issues its report, unless the General Assembly takes action to reject the recommended change.

The proposed legislation would direct that the effective date of recommended changes in the sentencing guidelines contained in the Sentencing Commission's 2013 annual report be delayed until July 1, 2016. The changes are for the sentencing guidelines for conviction of provisions of § 18.2-374.1:1, Code of Virginia, related to possession of child pornography. The legislation directs the Sentencing Commission to review further its recommendations for modifications in the sentencing guidelines in this area and report its conclusions in its 2015 annual report.

**6. Budget Amendment Necessary: No.**

**7. Fiscal Impact Estimates: Preliminary. See Item 8 below.**

**8. Fiscal Implications:**

The proposed legislation would not have a fiscal impact. The Sentencing Commission already has the staff needed to conduct the additional analysis required by the legislation.

**9. Specific Agency or Political Subdivisions Affected:** Virginia Criminal Sentencing Commission

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** Similar to HB 504.

**Date:** 2/12/2014

**Document:** G:\LEGIS\fis-14\sb433e.docx Dick Hall-Sizemore