



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 1215

(Patron – Ebbin)

LD#: 15102458

Date: 1/6/2015

Topic: Sale of ivory and rhinoceros horn

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**

** Provided by the Department of Juvenile Justice

* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the 2014 Acts of Assembly, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

The proposed legislation adds §§ 18.2-511.2 and 19.2-386.36 to the *Code of Virginia*. Under the proposal, any person who imports, sells, purchases, barter or possesses with the intent to sell ivory, ivory products, rhinoceros horn, or rhinoceros horn products is guilty of a Class 1 misdemeanor for a first offense and a Class 6 felony for a second or subsequent offense. Any ivory, rhinoceros horn or related product that is sold, purchased, etc., in violation of the proposed legislation would be forfeited to the Commonwealth. The provisions of the proposal would become effective on January 1, 2016.

Analysis:

In 2014, the U.S. Fish and Wildlife Services issued Director's Order #210 to establish policies and procedures to strengthen U.S. trade controls for elephant ivory, rhinoceros horn, and parts and products of other specified species.¹ In August of this year, governors in New York and New Jersey signed into law legislation restricting the transfer and sale of ivory and rhinoceros horn.²

Data sources available to the Commission do not identify the number of people in Virginia who import, sell, etc., ivory or rhinoceros horn or related products.

¹ <http://www.fws.gov/policy/do210.html>

² www.governor.ny.gov/news/governor-cuomo-signs-new-law-combat-illegal-ivory-trade-and-protect-endangered-species and www.state.nj.us/governor/news/news/552014/approved/20140805c.html

Impact of Proposed Legislation:

State adult correctional facilities. By adding a Class 6 felony to the *Code*, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, data is not available to estimate how many additional felony convictions may result if the proposal is enacted. Therefore, the magnitude of the impact cannot be quantified.

Local adult correctional facilities. Similarly, the proposal may increase the local-responsible (jail) bed space needs, but the magnitude cannot be determined.

Adult community corrections resources. Because the proposal could result in 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. Felony convictions under the proposed § 18.2-511.2 would not be 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. The Department of Juvenile Justice reports the impact of this proposal on bed space needs for juvenile correctional centers cannot be determined.

Juvenile detention facilities. The Department of Juvenile Justice reports that this proposal's impact on 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 2 of the 2014 Acts of Assembly, 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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