Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 625

(Patron – Bell, Robert B.)

LD#: 16102333 **Date:** 12/23/2015

Topic: Abduction of minor for the purpose of 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**

**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 665 of the 2015 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 § 18.2-48(iii), relating to the abduction of a minor for the purpose of concubinage or prostitution. Currently, under § 18.2-48, the abduction of a child under 16 for the purpose of concubinage or prostitution is a Class 2 felony. Under the proposal, the offense would be expanded to include the abduction of any minor. Penalties prescribed in this section would remain the same.

The proposal may overlap with several additional felony offenses, including taking or detaining a minor for purposes of prostitution (§ 18.2-355(4)), obtaining a person for certain unlawful acts (§ 18.2-356) and commercial sex trafficking (§ 18.2-357.1). Specifically, under § 18.2-355(4), taking a minor into, or persuading, encouraging, or causing a minor to enter, a bawdy place for purposes of prostitution is punishable as a Class 3 felony. Pursuant to § 18.2-356, receiving money for procuring a person to engage in unlawful sex acts or causing a person under the age of 18 to engage in forced labor, concubinage, prostitution, or the manufacture of obscene or child pornography is a Class 3 felony. Section 18.2-357.1(C) makes it a Class 3 felony for any person, with the intent to receive money or other valuable thing, to cause a person under the age of 18 to engage in prostitution.

Analysis:

Existing data sources do not contain sufficient detail to estimate the number of instances that may be affected by the proposed modifications to § 18.2-48. However, individuals convicted of a felony for abducting a 16 or 17-year-old for the purposes of concubinage or prostitution may be sentenced similarly to those convicted under the existing provisions of § 18.2-48(iii).

According to Sentencing Guidelines data for fiscal year (FY) 2010 through FY2015, one offender was convicted of abduction of a child under 16 for the purpose of concubinage or prostitution. This crime was the primary, or most serious, offense at sentencing in this case. The offender received a state-responsible (prison) sentence of 20 years.

Impact of Proposed Legislation:

State adult correctional facilities. By expanding the felony provisions of § 18.2-48 to include the abduction of 16 and 17-year-olds for the purpose of concubinage or prostitution, the proposal may increase the number of felony convictions. In this way, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, since the number of additional felony convictions that may result cannot be estimated, the magnitude of the impact on prison bed space needs cannot be determined.

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

Adult community corrections programs. 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 state community corrections resources. Since the number of cases that may be affected by the proposal cannot be determined, the potential impact on community corrections cannot be quantified.

Virginia's sentencing guidelines. The sentencing guidelines cover felony violations of § 18.2-48(iii) when this offense is the primary, or most serious, offense in a case. No adjustment to the guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), 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 the proposal's impact 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 665 of the 2015 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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