



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 2335

Amendment in the Nature of a Substitute (Patron Prior to Substitute – Watts)

LD#: 17105217

Date: 2/6/2017

Topic: Working without contractor's license

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000 *
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **Juvenile Direct Care:**
None (\$0) **
- **Juvenile Detention Facilities:**
None (\$0) **

** 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 780 of the 2016 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

The proposal modifies § 54.1-1115 of the *Code of Virginia* to increase the penalty for certain individuals who undertake work without a valid contractor's license or certificate. Currently, under § 54.1-1115(B), any person who undertakes work without a valid Virginia contractor's license or certificate when one is required or without the proper class of license is guilty of a Class 1 misdemeanor. Under the proposal, a third or subsequent violation in a 36 month period by any person who undertakes work without a valid license or certificate would be guilty of a Class 6 felony, which is punishable by one to five years imprisonment in a state correctional facility.

Analysis:

According to the General District Court Case Management System (CMS) for fiscal year (FY) 2015 and FY2016, 42 offenders were convicted of a misdemeanor under § 54.1-1115 for a violation of regulations relating to contractors. The majority (92.9%) of these offenders did not receive an active term of incarceration to serve after sentencing. The remaining three offenders were sentenced to local-responsible (jail) terms ranging from one month to eight months, with a median sentence length of 2.3 months.

Existing data sources do not contain sufficient detail to identify which cases involved an individual working without a valid contractor's license or certificate.

Impact of Proposed Legislation:

State adult correctional facilities. Because it creates a new Class 6 felony offense, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, existing data do not provide sufficient detail to estimate the number of new felony convictions that could result from enactment of the proposal. Therefore, the impact on prison bed space needs cannot be determined.

Local adult correctional facilities. The proposal may also 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 additional offenders, the proposal may increase the need for adult community corrections resources. However, the potential impact on state and local community corrections programs cannot be determined.

Virginia's sentencing guidelines. Convictions under § 54.1-1115 are not covered by the sentencing guidelines as the primary (most serious) offense in a case; however, convictions for this crime may augment the guidelines recommendation if a covered offense is the most serious at sentencing. No adjustment to the guidelines would be necessary under the proposal.

Juvenile direct care. According to the Department of Juvenile Justice (DJJ), the proposal will not increase direct care (juvenile correctional center or alternative commitment placement) bed space needs.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal is not expected to increase the bed space needs of juvenile detention facilities.

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 780 of the 2016 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 is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

contractor03_5217