

## Department of Planning and Budget 2020 Fiscal Impact Statement

**1. Bill Number:** HB298S1

**House of Origin**    ☐ Introduced    ☐ Substitute    ☐ Engrossed  
**Second House**    ☐ In Committee    ☒ Substitute    ☐ Enrolled

**2. Patron:**        Tran, K.

**3. Committee:** Senate

**4. Title:**            Misdemeanor sexual offenses where the victim is a minor; statute of limitations.

**5. Summary:** The legislation amends §19.2-8 related to the limitation of persecution for certain sexual offenses. Currently, prosecution of certain misdemeanor sexual offenses where the victim is a minor at the time of the offense must commence no later than one year after the victim reaches majority. The legislation amends this provision and provides that where the victim is a minor at the time of the offense, prosecution must commence no later than one year after the victim reaches majority, unless the alleged offender of such offense was an adult, in which instance such prosecution must commenced no later than five years after the victim reaches majority.

**6. Budget Amendment Necessary:** Yes, Item 402.

**7. Fiscal Impact Estimates:** Preliminary (see Item 8 below).

**8. Fiscal Implications:** The legislation expands the time period during which an individual may be prosecuted for specified sexual offenses, depending on the age of the victim and the age of the offender at the time of the offense. Currently, under §18.2-67.5:1, a person convicted of a third misdemeanor offense within ten years involving sexual batter, attempted sexual battery, consensual intercourse with a child, indecent exposure, or peeing is guilty of Class 6 felony.

According to the Virginia Criminal Sentencing Commission (VCSC), this proposal could also increase the number of offenders ultimately convicted of a Class 6 felony under § 18.2-67.5:1 for a third or subsequent misdemeanor offense and sentenced to state correctional facility. However, because the number of offenders that could be sentenced to state correctional facility cannot be determined, pursuant to § 30-19.1:4, when the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities, Chapter 854 of the 2019 Acts of Assembly requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

The impact on the Department of Juvenile cannot be determined at this time. The impact on local correctional facilities cannot be quantified at this time.

**9. Specific Agency or Political Subdivisions Affected:** Department of Corrections, Courts, Commonwealth's Attorneys, local correctional facilities.

**10. Technical Amendment Necessary:** No

**11. Other Comments:** This bill is similar to SB724.