

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: SB805S1

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

2. Patron: Morrissey, J. D.

3. Committee: House Courts of Justice

4. Title: Robbery; definition, penalty.

5. Summary: The proposed legislation redefines robbery to create four degrees of punishment based on the severity of the crime. If any person commits a robbery by causing serious bodily injury would be guilty of robbery in the first degree and punishable by confinement in a state correctional facility for a maximum term of life; robbery by displaying a firearm in a threatening manner would be guilty of robbery in the second degree and punishable by confinement in a state correctional facility for a maximum term of 20 years; robbery by using physical force not resulting in serious bodily injury or by displaying a deadly weapon other than a firearm in a threatening manner would be guilty of robbery in the third degree and punishable as a Class 5 felony (one to 10 years); and robbery by any other means would be guilty of robbery in the fourth degree and punishable as a Class 6 felony (one to five years). Under the provision of this bill robbery means the taking, with the intent to steal, of the personal property of another, from his person or his presence, against his will, by violence or intimidation.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: Currently, any robbery is punishable by confinement in a state correctional facility for life or any term not less than five years. However, a judge could suspend time from the sentences imposed. According to FY2018 and FY2019 Sentencing Guidelines (SG) data, a conviction for robbery (§ 18.2-58) was the primary (or most serious) offense in 1,068 sentencing events. The majority of the offenders (90.4%) were sentenced to a state-responsible (prison) term for which the median sentence was 5.5 years. Another 4.2% of the offenders received a local-responsible (jail) term with a median sentence length of six months. The remaining 5.4% of offenders did not receive an active term of incarceration to serve after sentencing.

The proposed legislation would reduce the statutory maximum penalty for the majority of robbery offenses. Other than in cases causing serious bodily injury, the proposed statutory maximum would be 5, 10, or 20 years based on other elements of the robbery offense. Median prison sentences in recent robbery cases are within the reduced statutory maximums proposed. Therefore, the bill is not expected to increase the state-responsible prison bed

space needs of the Commonwealth during the six year window specified by § 30-19.1:4 for legislative impact statements.

The Department of Juvenile Justice reports that the proposal's impact on the bed space needs of juvenile detention facilities cannot be determined.

9. Specific Agency or Political Subdivisions Affected: None

10. Technical Amendment Necessary: No

11. Other Comments: None