



## Fiscal Impact Statement for Proposed Legislation

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### Virginia Criminal Sentencing Commission

#### Senate Bill No. 5054 (Patron – Reeves)

LD#: 20200194

Date: 8/4/2020

Topic: Display noose with intent to intimidate

#### Fiscal Impact Summary:

- **State Adult Correctional Facilities:**  
None (\$0)
- **Local Adult Correctional Facilities:**  
Cannot be determined, likely to be small
- **Adult Community Corrections Programs:**  
None (\$0)

- **Juvenile Correctional Centers:**  
Cannot be determined\*
- **Juvenile Detention Facilities:**  
Cannot be determined\*

\*Provided by the Department of Juvenile Justice

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#### Summary of Proposed Legislation:

The proposal amends § 18.2-423.2 to increase the penalty for displaying a noose on the private property of another or on a highway or other public place with the intent to intimidate from a Class 6 felony to a Class 4 felony.

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#### Analysis:

According to Circuit Court Case Management System (CMS) data for fiscal year (FY) 2014 through FY2019, there were two felony convictions under § 18.2-423.2 for displaying a noose with the intent to intimidate. This offense was the primary, or most serious offense, in each case. The offenders were sentenced to local-responsible (jail) terms of, respectively, two and six months.

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#### Impact of Proposed Legislation:

**State adult correctional facilities.** The proposal increases the penalty for an existing Class 6 felony to a Class 4 felony. However, available data indicate that, in the six most recent fiscal years, no offender has received a state-responsible (prison) term for a violation of § 18.2-423.2. Therefore, the proposal 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.

**Local adult correctional facilities.** The proposal may increase the future local-responsible (jail) bed space needs. While the magnitude of the impact cannot be determined with specificity, any impact is likely to be small.

**Adult community corrections programs.** The proposal is not expected to increase the need for community corrections resources and may delay the need for services for some offenders affected by the proposal, as they may be sentenced to serve longer incarceration terms prior to being released to the community.

**Virginia's sentencing guidelines.** Convictions under § 18.2-423.2 are not covered by the sentencing guidelines when this offense is the primary, or most serious, offense in a case. However, convictions under this statute could 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 direct care.** According to the Department of Juvenile Justice, the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) bed space needs cannot be determined.

**Juvenile detention facilities.** According to the Department of Juvenile Justice, the impact of the proposal on the bed space needs of juvenile detention facilities cannot be determined.

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**Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

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