



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 5059 **(Patrons – Reeves and DeSteph)**

LD#: 20200187

Date: 07/31/2020

Topic: Property destruction or injury during a riot

Fiscal Impact Summary:

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:**
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 1289 of the Acts of Assembly of 2020 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

The proposal amends § 18.2-414 of the *Code of Virginia* regarding injury to property or persons during a riot. Currently, it is a Class 6 felony for any person or persons, unlawfully or riotously assembled, to pull down, injure, or destroy any building or perpetrate any premeditated injury on another person. The proposal would remove the requirement that the act causing injury to a person be premeditated. The proposal would also increase the penalty under this section to a Class 4 felony if the violation occurs during a state of emergency as defined by § 44-146.16.

Analysis:

According to the Circuit Court Case Management System (CMS) for fiscal year (FY) 2014 through FY2019, two offenders were convicted of a felony under § 18.2-414 for causing injury to property or persons during a riot. This offense was the primary, or most serious, offense for one offender, who was sentenced to a local-responsible (jail) term of four months.

Impact of Proposed Legislation:

State adult correctional facilities. The proposed legislation would expand the applicability of an existing felony to additional acts and increase the felony penalty for causing property destruction or injury during a riot under certain circumstances. These aspects of the proposal may increase the state-

responsible (prison) bed space needs of the Commonwealth. However, existing data sources do not contain sufficient detail to estimate the number of additional felony convictions that may result from enactment of the proposal. Therefore, the magnitude of the impact on prison bed space needs cannot be determined.

Local adult correctional facilities. By increasing the penalty for an existing felony offense, the proposal may increase local-responsible (jail) bed space needs; however, the magnitude of the impact cannot be quantified.

Adult community corrections resources. The impact on adult community corrections resources cannot be determined.

Virginia's sentencing guidelines. The sentencing guidelines do not cover violations of § 18.2-414 that are processed in Virginia's circuit courts. However, convictions under § 18.2-414 may 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 (DJJ), the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) 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 1289 of the Acts of Assembly of 2020 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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