



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 2309 (Patron – Brewer)

LD#: 21102962

Date: 01/18/2021

Topic: Conditions of parole

#### 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 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, fiscal impact statements prepared by the Virginia Criminal Sentencing Commission only include the estimated increase in operating costs associated with additional state-responsible prison beds and do not reflect any other costs or savings that may be associated with the proposed legislation.

#### Summary of Proposed Legislation:

The proposal adds § 53.1-157.1 related to the conditions of parole. Under the proposal, any person released on parole who was convicted of murder or any Tier I, Tier II, or Tier III offense (as defined in § 9.1-902) prior to July 1, 1994, who is not required to register with the Sex Offender and Crimes Against Minors Registry in Virginia will be required to register, reregister, and verify his information with the Registry as a condition of his parole.

Per § 18.2-472.1, the first Registry violation committed by an offender who is not defined as sexually violent is a Class 1 misdemeanor, while a second or subsequent Registry violation is a Class 6 felony. A Registry violation committed by a sexually violent offender is a Class 6 felony for the first violation and a Class 5 felony for any second or subsequent violation.

#### Analysis:

According to the Sentencing Guidelines database for FY2019 and FY2020, a felony conviction for a Registry violation under § 18.2-472.1 was the primary, or most serious, offense in 478 sentencing events. Nearly two-thirds (63%) of these offenders received a local-responsible (jail) term with a median sentence of four months. Another 17.5% were given a state-responsible (prison) term for which the median sentence was 1.1 years. The remaining 19.5% did not receive an active term of incarceration to serve after sentencing.

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** The proposal would require additional persons to register with the state's Sex Offender and Crimes against Minors Registry. This could result in additional felony convictions for Registry violations for which an offender could receive a prison sentence. In this way, the proposed legislation may increase the future state-responsible (prison) bed space needs of the Commonwealth. Existing databases do not provide sufficient detail to estimate the number of new felony convictions that may result from enactment of the proposal. Thus, the magnitude of the impact on prison beds cannot be quantified.

**Local adult correctional facilities.** Similarly, the proposal may increase local-responsible (jail) bed space needs; however, the magnitude of the impact on jail beds cannot be estimated with existing data.

**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. Since the number of cases that may be affected cannot be determined, the potential impact on community corrections cannot be quantified.

**Virginia's sentencing guidelines.** The sentencing guidelines cover felony violations of § 18.2-472.1 processed in Virginia's circuit courts. No adjustment to the guidelines would be necessary under the proposal.

**Juvenile direct care.** According to the Department of Juvenile Justice, the proposal is not expected to impact 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 impact the bed space needs of juvenile detention facilities.

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

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