Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1673

(Patron – Bell)

LD#: 23101889 **Date:** 12/13/2022

Topic: Strangulation

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:** 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 2 of the Acts of Assembly of 2022, Special Session I, 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 amends § 18.2-51.6 of the *Code of Virginia*, relating to the strangulation of another. Currently, any person who, without consent, impedes the blood circulation or respiration of another by knowingly, intentionally, and unlawfully applying pressure to the neck of such person, resulting in wounding or bodily injury, is guilty of a Class 6 felony. The proposal expands the Class 6 felony to include strangulation by unlawfully blocking or obstructing the airway of another person.

Analysis:

According to Sentencing Guidelines data for fiscal year (FY) 2021 and FY2022, 539 offenders were convicted of strangulation under § 18.2-51.6. This offense was the primary, or most serious, offense in 381 of the cases. While 21.8% of these offenders did not receive an active term of incarceration to serve after sentencing, 40.9% were given a local-responsible (jail) term with a median sentence of seven months. The remaining 37.3% of offenders received a state-responsible (prison) term for which the median sentence was 1.5 years.

The number of incidents that would be covered under the expanded provisions of the proposal cannot be identified with available data.

Impact of Proposed Legislation:

State adult correctional facilities. Because it expands an existing felony offense, the proposal 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 likely to result from enactment of the proposal. The magnitude of the impact on prison beds cannot be quantified.

Local adult correctional facilities. The proposal may increase the local-responsible (jail) bed space needs, but the magnitude of the impact cannot be determined.

Adult community corrections programs. Because the proposal could result in additional felony convictions and subsequent supervision requirements for an additional number of 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 resources cannot be quantified.

Virginia's Sentencing Guidelines. The **S**entencing Guidelines currently cover strangulation under § 18.2-51.6 as the primary (most serious) offense at sentencing. 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. 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 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I, 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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