

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: HB1892 H1

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Ballard

3. Committee: Courts of Justice

4. Title: Abduction of a minor; penalty.

5. Summary: Current law defines several offenses in Article 3 (Kidnapping and Related Offenses) of Chapter 4 of Title 18.2. Penalties for offenses defined in Article 3 range from a Class 3 misdemeanor for violation of a custody or visitation court order to several Class 2 felonies, including abduction with intent to defile. Certain abduction offenses in Article 3 are specific to minors, such as abducting a minor for purposes of manufacturing child pornography, which is a Class 2 felony defined in § 18.2-48(v). Abduction for which no punishment is otherwise prescribed is a Class 5 felony.

This bill makes abduction of a minor a Class 2 felony, except if defined under § 18.2-47(D), which provides that an abduction committed by a parent is punishable as a Class 1 misdemeanor in addition to being punishable as contempt of court and punishable as a Class 6 felony in addition to being punishable as contempt of court if the parent abducts and removes the child from the Commonwealth.

6. Budget Amendment Necessary: Yes, Item 404

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

8. Fiscal Implications: This bill increases the penalty for certain kidnapping offenses to a Class 2 Felony, which is punishable by imprisonment for 20 years to life and a fine of up to \$100,000.

According to the Virginia Criminal Sentencing Commission, data is available on the number of felony kidnapping convictions under the various sections of the Code of Virginia. However, because victim age is not recorded in the Court Case Management Systems (CMS), existing data sources do not contain sufficient detail to estimate the number of offenders who would be subject to a Class 2 felony under the proposal who are not already covered by a Class 2 felony defined in current law. Therefore, the magnitude of the impact on prison beds cannot be quantified.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on

state-responsible (prison) bed space cannot be determined. In such cases, Chapter 2, 2022 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

According to the Virginia Criminal Sentencing Commission, this bill may also increase local-responsible (jail) bed space needs. However, there is not enough information available to reliably estimate the impact on jail or prison bed space needs as a result of this proposal. The Commonwealth currently pays the localities \$15.00 a day for each state-responsible prisoner held in a jail.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, Local and regional jails, Commonwealth Attorneys, Public Defender Offices, courts

10. Technical Amendment Necessary: No

11. Other Comments: None