



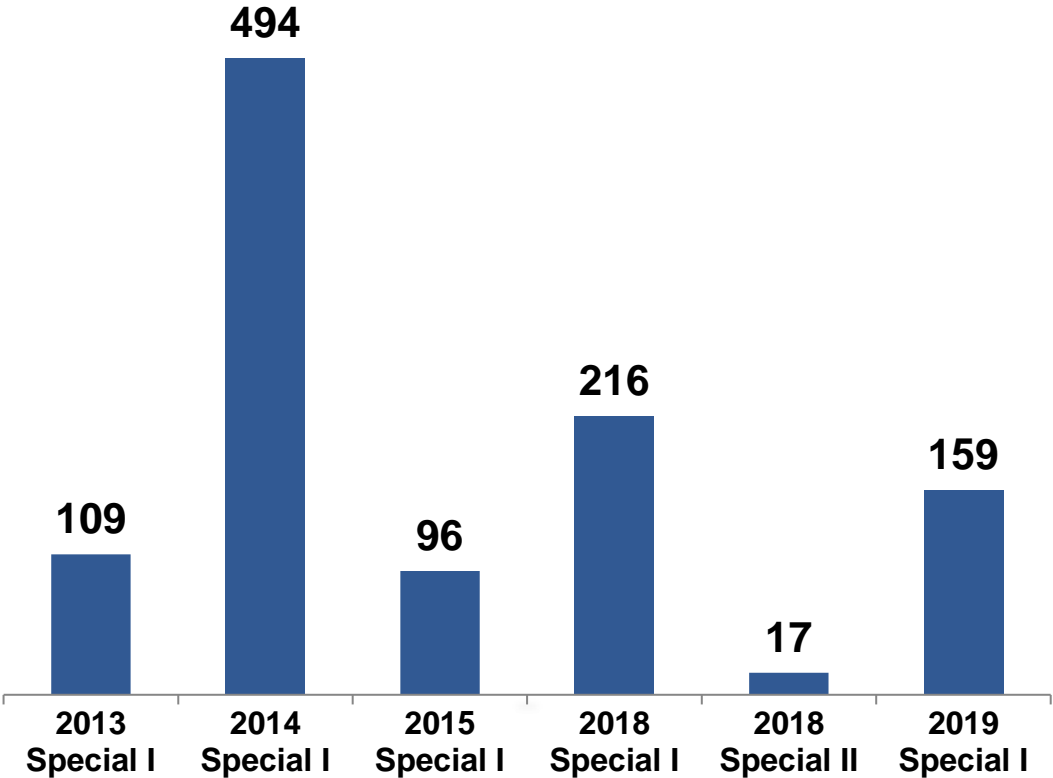
VIRGINIA CRIMINAL SENTENCING COMMISSION



September 9, 2019

General Assembly Special Session Statistics

Number of Introduced Bills for Special Session



The Governor may call a special session when it is deemed necessary or advisable, and must do so when petitioned by two-thirds of the members of both houses.

The 2019 Special Session convened on July 9, 2019.



Sentencing Commission Session-Related Activities

Sentencing Commission staff:

- **Prepare fiscal impact statements, as required by § 30-19.1:4;**
- **Monitor legislation that may have an impact on penalties, sentencing, time served, and sex offender registration, as well as legislation proposing criminal justice studies;**
- **Observe the judicial interview process;**
- **Respond to legislators' requests for supplemental information; and**
- **Provide technical assistance to other agencies.**





Fiscal Impact Statements

Fiscal Impact Statements

§ 30-19.1:4

- **The Sentencing Commission must prepare a fiscal impact statement for any bill that would result in a net increase in the population of offenders housed in state adult correctional facilities (prisons).**
- **Law became effective July 1, 2000.**
- **Effective July 1, 2002, the impact statement must also:**
 - **Include an analysis of the impact on local and regional jails as well as state and local community corrections programs; and**
 - **Detail any necessary adjustments to the sentencing guidelines.**



Fiscal Impact Statements

§ 30-19.1:4

The requirement for an impact statement includes, but is not limited to, proposals that:

- **Add new crimes for which imprisonment is authorized;**
- **Increase the periods of imprisonment authorized for existing crimes;**
- **Raise the classification of a crime from a misdemeanor to a felony;**
- **Impose mandatory terms of imprisonment; or**
- **Modify laws governing release of prisoners.**



Fiscal Impact Statements

§ 30-19.1:4

- **The Sentencing Commission must estimate the increase in annual operating costs for prison facilities that would result if the proposal is enacted.**
 - **A six-year projection is required.**
 - **For this special session, the impact estimation window is from December 2020 to December 2025.**
 - **The highest single-year population increase is identified.**
 - **This is multiplied by the cost of holding a prison inmate for a year (operating costs, excluding capital costs).**
 - **For FY2018, this was \$35,053.**
 - **This amount must be printed on the face of the bill and a one-year appropriation must be made.**



Fiscal Impact Statements Additional Provisions

If the Sentencing Commission does not have sufficient information to project the impact, § 30-19.1:4 specifies that the words "Cannot be determined" must be printed on the face of the bill.

**Item 48 of
Chapter 854 of the 2019 Acts of Assembly, Special Session I
(Appropriation Act)**

For any fiscal impact statement prepared by the Virginia Criminal Sentencing Commission pursuant to § 30-19.1:4, Code of Virginia, for which the commission does not have sufficient information to project the impact, the commission shall assign a minimum fiscal impact of \$50,000 to the bill and this amount shall be printed on the face of each such bill, but shall not be codified. The provisions of § 30-19.1:4, paragraph H. shall be applicable to any such bill.



Fiscal Impact Statements

§ 30-19.1:4

- **The Department of Juvenile Justice (DJJ) prepares a fiscal impact estimate for any bill that would result in a net increase in the juvenile population committed to the state.**
- **DJJ provides this information to the Sentencing Commission and a combined statement is submitted to the General Assembly.**

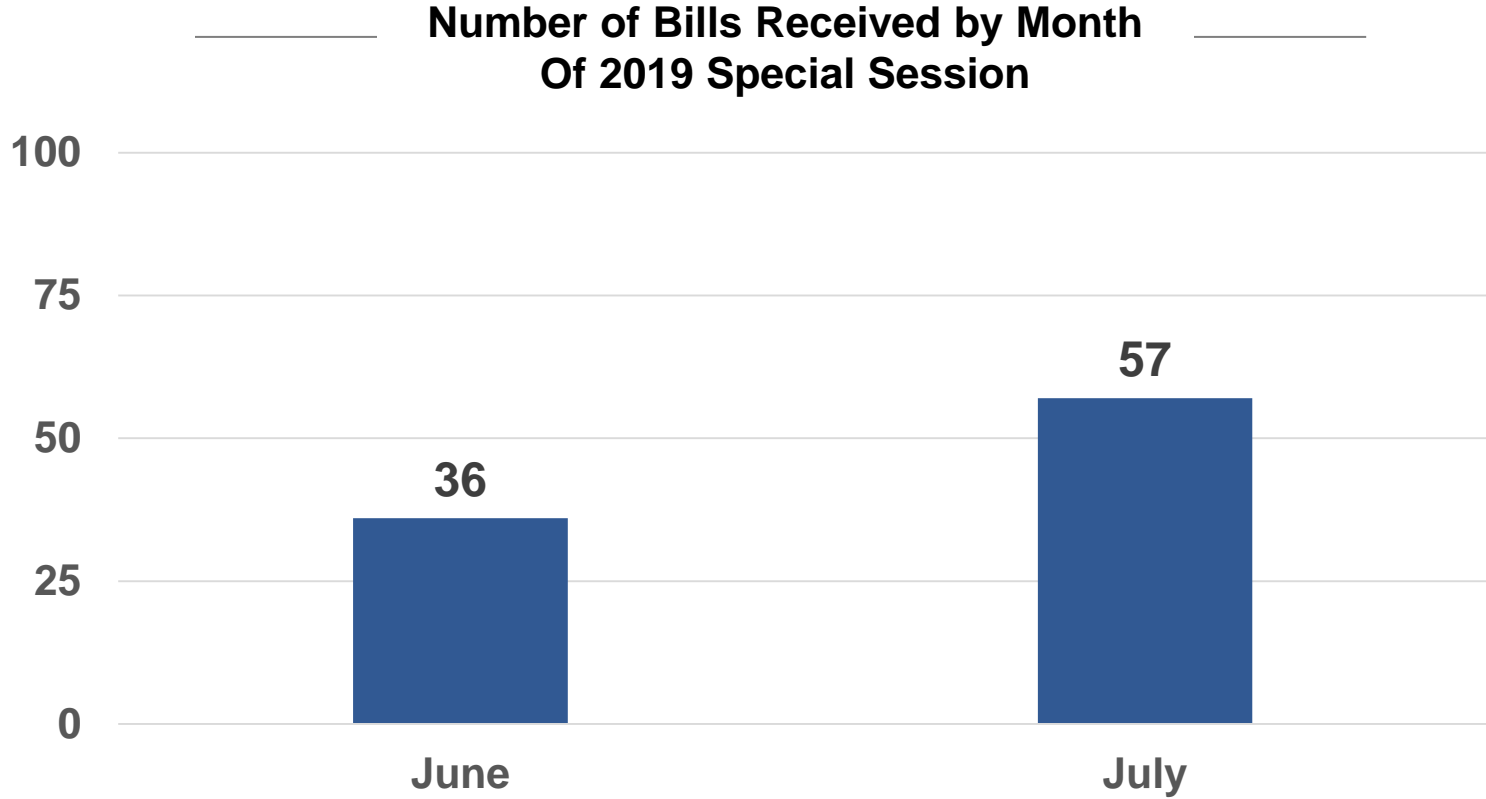


Calculation of Fiscal Impact

- **Sentencing Commission staff analyze available data to determine (or estimate) the number of offenders likely to be affected by the legislation and the impact on sentences and/or time served for those offenders.**
- **The data are used in a computer simulation model to estimate the net increase in the prison population likely to result from the proposal during the six years following enactment.**
- **If data do not contain sufficient detail to estimate the impact of the proposal, background statistics are provided, if possible.**

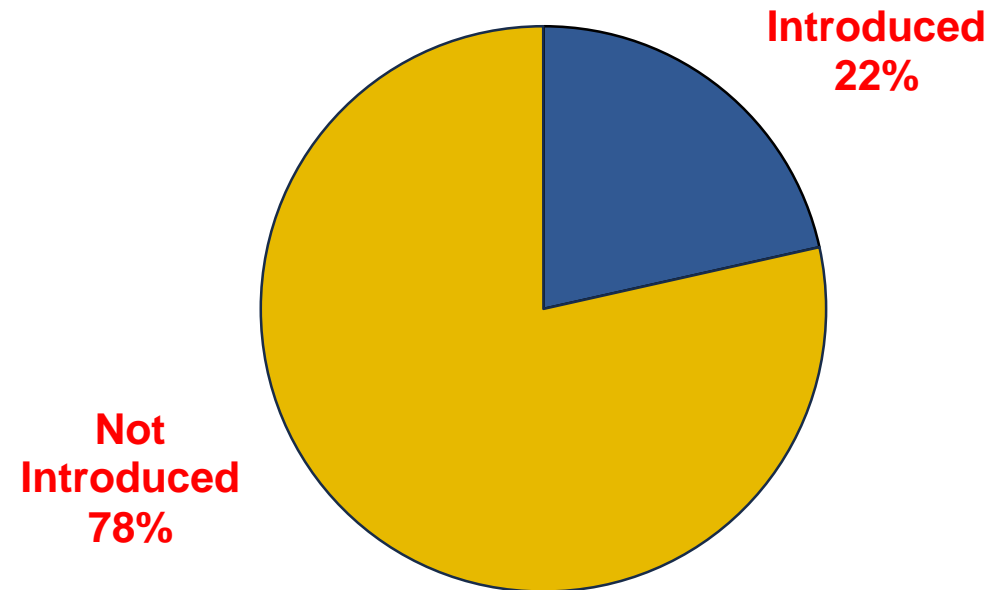


Number of Bills Received for 2019 Special Session of the General Assembly by Month



Status of Bills Received for 2019 Special Session

Percentage of Bills with Impacts
That Were Introduced*



93 Analyses Conducted

* Based on bills received
as of July 9, 2019.



2019 Special Session of General Assembly

Types of Legislative Changes

Type of Legislative Change	Percent
Expansion or Clarification of Crime	70.0%
New Crime	47.3%
Misdemeanor to Felony	4.3%
Increase Felony Penalty	2.2%
Mandatory Minimum	20.4%
Other	32.3%

93 Impact Analyses Completed

Percentages do not add to 100%, since proposed legislation can involve multiple types of changes. Multiple analyses may be performed on each bill, depending on the number of amended and substitute versions that are proposed or adopted.



Most Common Types of Offenses in Proposed Legislation

- **Firearms/Weapons (75 analyses)**
- **Murder/Homicide (16 analyses)**
- **Assault (1 analysis)**
- **Protective Orders (1 analysis)**





General Assembly website:

<http://viriniageneralassembly.gov/>