



2010 General Assembly: Legislative Impact Analysis

Code of Virginia § 30-19.1:4

- **The Virginia Criminal 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**
- **Law became effective July 1, 2000**
- **Effective July 1, 2002, the impact statement must:**
 - **Include 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**

Code of Virginia § 30-19.1:4

- **To prepare the impact statement, the Commission must estimate the increase in annual operating costs for state adult correctional facilities that would result if the proposal were to be enacted**
 - **A six-year projection is required**
 - **The highest single-year increase in operating costs is identified**
 - **This amount must be printed on the face of the bill**
- **If the agency does not have sufficient information to project the impact, the fiscal impact statement shall state this, and the words "Cannot be determined" shall be printed on the face of the bill**

Code of Virginia § 30-19.1:4

- **For each law enacted that results in a net increase in the prison population, a one-year appropriation must be made**
 - **Appropriation is equal to the highest single-year increase in operating cost during the six years following enactment**
- **Appropriations made per § 30-19.1:4 are deposited into the Corrections Special Reserve Fund**

Code of Virginia § 30-19.1:4

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

2010 SESSION

INTRODUCED

10100984D

SENATE BILL NO. 320

Offered January 13, 2010

Prefiled January 12, 2010

A BILL to amend and reenact § 18.2-461 of the Code of Virginia, relating to falsely summoning or giving false reports to law-enforcement officials; penalty.

Patron—Ruff

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-461 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-461. Falsely summoning or giving false reports to law-enforcement officials.

It shall be unlawful for any person (i) to knowingly give a false report as to the commission of any crime to any law-enforcement official with intent to mislead, or (ii) without just cause and with intent to interfere with the operations of any law-enforcement official, to call or summon any law-enforcement official by telephone or other means, including engagement or activation of an automatic emergency alarm. Violation of the provisions of this section shall be punishable as a Class 4 ~~misdemeanor~~ felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$2,896,708 for periods of imprisonment in state adult correctional facilities and is \$95,282 for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

SB320

2009 General Assembly
Chapter 781 of the Acts of Assembly

Virginia Criminal Sentencing Commission (160)

Item 48.	Adjudicatory Research, Planning, and Coordination (32400)	1,050,960	1,050,960
	Adjudicatory Research and Planning (32403)	1,050,960	1,050,960
Fund Sources:	General	980,960	980,960
	Special	70,000	70,000

Authority: Title 17.1, Chapter 8, Code of Virginia.

*A. 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.*

2010 SESSION

INTRODUCED

10101987D

HOUSE BILL NO. 684

Offered January 13, 2010

Prefiled January 12, 2010

A BILL to amend and reenact § 18.2-308 of the Code of Virginia, relating to concealed weapons; butterfly knives; penalty.

Patron—Miller, J.H.

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308. Personal protection; carrying concealed weapons; when lawful to carry.

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, butterfly knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he shall be guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature.

INTRODUCED

HB684

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. 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 781 of the Acts of Assembly of 2009 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.

provided the weapons are unloaded and securely wrapped while being transported;

6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be

Code of Virginia § 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 minimum or mandatory terms of imprisonment; or**
 - **Modify the law governing release of prisoners**

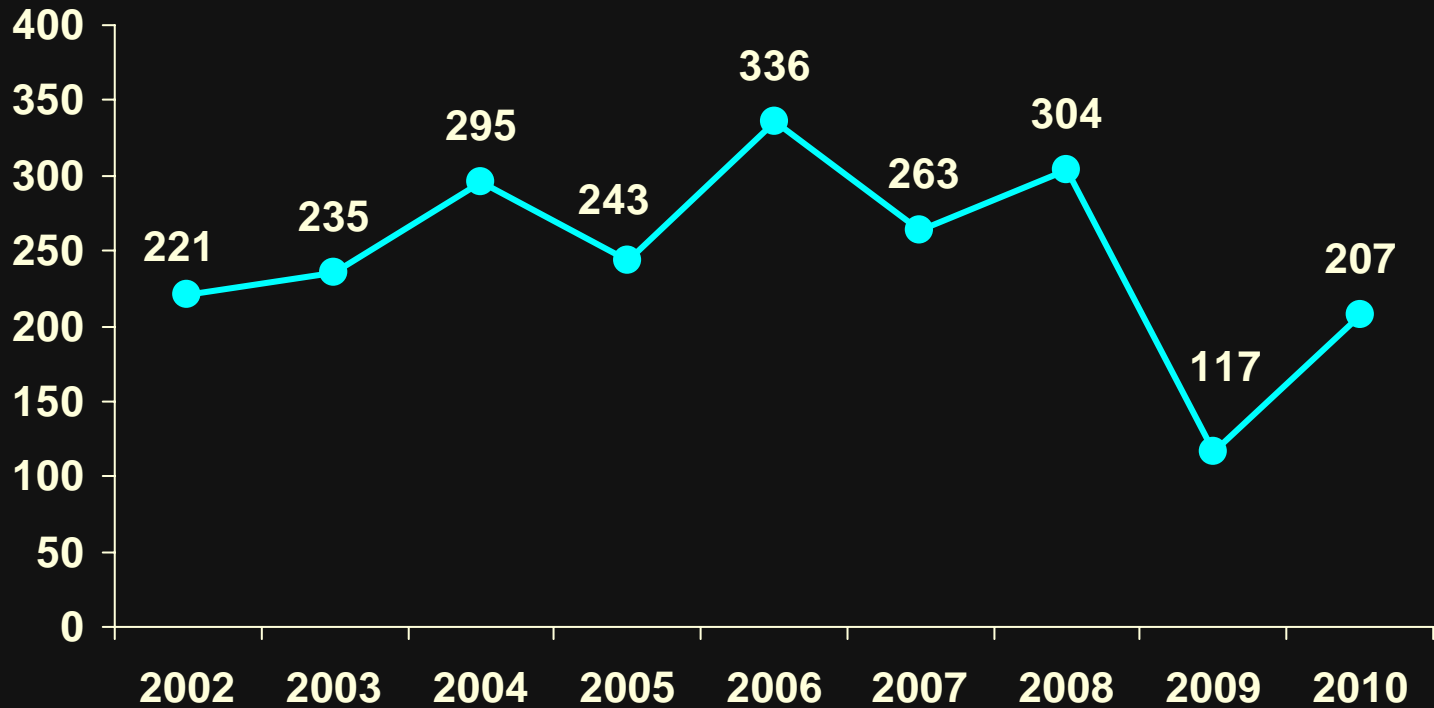
Legislative Impact Analysis

- **The necessary appropriation is calculated by:**
 - **Estimating the net increase in the prison population likely to result from the proposal during the six years following enactment,**
 - **Identifying the highest single-year population increase**
 - **Multiplying the highest single-year figure by the cost of holding a prison inmate for a year (operating costs, excluding capital costs)**
- **For FY2009, the annual operating cost per prison inmate was \$27,700**
 - **This figure is provided each year by the Department of Planning and Budget**

Legislative Impact Analysis

- **Additional impact analyses may be conducted request of:**
 - **House Appropriations staff**
 - **Senate Finance staff**
 - **Department of Planning and Budget staff**

Impact Analyses Completed for 2002-2010 Sessions of the General Assembly



2010 General Assembly – 207 Impact Analyses Completed

Type of Legislative Change	Percent
Expansion or Clarification of Crime	66.7%
New Crime	16.4%
Mandatory Minimums	3.4%
Misdemeanor to Felony	11.1%
Increase Misdemeanor Penalty	0.5%
Death Penalty	0.0%

Percentages may not add to 100% as 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 adopted.

Types of Offenses in Proposed Legislation

- **Murder (27 analyses)**
- **Assault (16 analyses)**
- **Sex Offenders and Offenses (16 analyses)**
- **Gangs and Gang Offenses (13 analyses)**
- **Driving while Intoxicated (13 analyses)**
- **Weapons (12 analyses)**
- **Juvenile Transfer (7 analyses)**
- **Arrest without a Warrant (6 analyses)**

Bills with Fiscal Impacts Passed by the 2010 General Assembly

- **HB 1: Rewrite of anti-spamming law (\$50,000)**
 - **Funds appropriated per § 30-19.1:4**

- **HB 682: Expanding gang-free school zones (and associated penalty enhancements) to include community and recreation centers (\$50,000)**
 - **Senate amendment would have precluded enactment unless money was appropriated**
 - **House rejected the amendment**
 - **Amendment was removed in conference committee and the bill was adopted without appropriation of funds**

Bills with Fiscal Impacts Passed by the 2010 General Assembly

- **HB 953: Adding new drugs to lists of Schedule II, III, IV, and V controlled substances (\$50,000)**
 - **House members discussed the fiscal impact during a floor session**
 - **One House member was informed by the State Police that there would be no fiscal impact because the bill simply conformed Virginia drug schedules to the federal schedules**
 - **Bill was adopted without appropriation of funds**

Bills with Fiscal Impacts Passed by the 2010 General Assembly

- **HB 733: Expanding crime of medical assistance fraud (\$50,000)**
- **HB770: Arrest without warrant for DUI in certain cases (\$50,000)**
- **HB 1033: Independent existence of human infant (\$50,000)**
- **SB 602: Independent existence of human infant (\$50,000)**

**All four of these bills were adopted
without appropriation of funds**

