



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill 2224 (Patron – Cherry)

LD#: 25100232

Date: 11/12/2024

Topic: Sex Offender and Crimes Against Minors Registry

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

* 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 2024, 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 § 9.1-902 to require additional persons to register with the state's Sex Offender and Crimes against Minors Registry. The proposal would add the crime of purchasing or selling of minors under § 18.2-356.1 (a Class 5 felony) to the list of offenses requiring registration. This crime would be categorized as a Tier I offense for Registry purposes.

Under § 18.2-472.1, the first Sex Offender Registry violation committed by an individual who is not categorized as a Tier III sex offender is punishable as a Class 1 misdemeanor; a second or subsequent Registry violation by such an individual is a Class 6 felony.

Analysis:

The crime of purchasing or selling of minors under § 18.2-356.1 was created by the 2023 General Assembly. Circuit Court Case Management System (CMS) data indicate that no offenders were convicted of this crime during fiscal year (FY) 2024. Existing data do not contain sufficient detail to estimate the number of affected offenders convicted of this crime who could subsequently violate Registry requirements. However, affected offenders may be sentenced similarly to individuals currently convicted of Registry violations (see table below).

Offenders Convicted of Violations of Virginia’s Sex Offender and Crimes against Minors Registry

Primary Offense	Total Number of Cases	Percent Sentenced to Probation	Percent Sentenced to Jail	Median Jail Sentence	Percent Sentenced to Prison	Median Prison Sentence
Sex Offender Registry violation: Other than Tier III offender, 1 st offense ^a	251	49.8%	50.2%	2 mos.	na	na
Sex Offender Registry violation: Other than Tier III offender, 2 nd or subsequent offense ^b	71	22.5%	66.2%	4 mos.	11.3%	1.1 yrs.

Note: Analysis is based on sentencing events in which the specified offense was the primary, or most serious, offense.

Sources: ^a Supreme Court of Virginia - General District Court Case Management System (CMS), FY2023-FY2024;

^b Supreme Court of Virginia – Circuit Court Case Management System (CMS), FY2023-FY2024.

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 also increase the local-responsible (jail) bed space needs of the Commonwealth. However, the magnitude of the impact cannot be determined.

Adult community corrections programs. Because the proposal could result in 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 estimated.

Virginia’s Sentencing Guidelines. Felony convictions for Registry violations (§ 18.2-472.1) are covered by the Sentencing Guidelines as the primary, or most serious, offense. Felonies in § 18.2-472.1 are not defined as violent under § 17.1-805(C) for the purposes of the Guidelines. No adjustment to the Guidelines is 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, 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 2024, 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.