



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill 884 Amendment in the Nature of a Substitute (Patron Prior to Substitute—Senator Craig)

LD#: 25104788

Date: 1/13/2025

Topic: Sex Offender and Crimes Against Minors Registry

Fiscal Impact Summary:

<ul style="list-style-type: none"> • State Adult Correctional Facilities: \$50,000 * • Local Adult Correctional Facilities: Cannot be determined • Adult Community Corrections Programs: Cannot be determined 	<ul style="list-style-type: none"> • Juvenile Direct Care: Cannot be determined** • Juvenile Detention Facilities: Cannot be determined** <p>** Provided by the Department of Juvenile</p>
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* 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 § 9.1-904 to specify registration intervals for certain offenders on the state’s Sex Offender and Crimes against Minors Registry. The proposal specifies that:

- Any person on the Registry for a Tier I or Tier II offense (as defined § 9.1-902) must verify his registration information yearly; and
- Any person on the Registry for a Tier II offense who has been convicted of a Registry violation under § 18.2-472.1 must verify his registration information twice a year.

Current *Code* does not specify registration intervals for Tier I and Tier II offenders; however, the Virginia State Police (VSP) verifies the registered residence of these offenders twice a year and any reported address, employer, or school changes within 30 days of the change.¹

The proposal also specifies that the VSP may provide any person required to verify one’s registration information with the option to do so using electronic means specified in State Police regulations promulgated pursuant to § 9.1-915.

¹ Virginia State Police, e-mail message to Virginia Criminal Sentencing Commission, January 13, 2025.

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.²

Analysis:

According to the VSP, during fiscal Year (FY) 2024, the Registry contained 5,840 Tier I offenders and 432 Tier II offenders. VSP reports that Tier I and Tier II offenders committed a total of 179 Registry violations during FY2024. VSP cannot further disaggregate the violations by Tier category.

Existing data do not contain sufficient detail to estimate the number of additional convictions for Registry violations that may occur due to the proposed change in registration intervals. Sentencing information for Tier I and II offenders convicted of Registry violations can be found in the table below.

Offenders Convicted of Violations of Virginia’s Sex Offender and Crimes against Minors Registry (§ 18.2-472.1), FY2023-FY2024

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%	2.0 mos.	na	na
Sex Offender Registry violation: Other than Tier III offender, 2 nd or subsequent offense ^b	71	22.5%	66.2%	4.0 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 specify registration intervals for some individuals on 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 determined.

Local adult correctional facilities. Similarly, the proposal may increase the local-responsible (jail) bed space needs of the Commonwealth. However, the magnitude of the impact cannot be quantified.

Adult community corrections programs. The impact of the proposal 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. Registry violations are not defined as violent in § 17.1-805(C) for the purposes of the Guidelines. No adjustment to the Guidelines would be necessary under the proposal.

² Under current law, felony offenses punishable under § 18.2-472.1 are eligible for the enhanced sentence credits specified in § 53.1-202.3, whereby offenders serve a minimum of 67% of the sentence ordered by the court. The proposed legislation does not change the earned sentence credits available to offenders convicted of these felonies.

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.

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