



Impact Analysis on Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill No. 1234

(Patrons – Saslaw et al.)

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LD #: 03-0624528

Topic: False reports to law-enforcement officials

Proposed Change:

The proposal amends § 18.2-461 to increase the penalty for knowingly giving a false report about the commission of a crime to intentionally mislead a law-enforcement official from a Class 1 misdemeanor to a Class 6 felony. Unlawfully summoning a law-enforcement official by telephone or other means, however, would remain a Class 1 misdemeanor.

Current Practice:

According to the Local Inmate Data System (LIDS) data system, which contains information on offenders held pre- or post-trial in jail, there were 639 misdemeanor convictions during fiscal year (FY) 2001 and FY2002 for violations of § 18.2-461. Nearly all (90%) of these offenders received a local-responsible (jail) term, with a median sentence of 30 days. Less than 1% received a state-responsible (prison) term due to an accompanying felony charge.

Misdemeanor convictions are not covered by the sentencing guidelines as the primary, or most serious, offense but may augment the guidelines recommendation if a covered offense is the most serious at conviction.

Impact of Proposed Legislation:

By increasing the penalty for an existing crime from a Class 1 misdemeanor to a Class 6 felony, the proposal may have an impact on state-responsible (prison) bed space. However, the exact number of convictions for giving false reports to law-enforcement officials cannot be determined. This offense and the crime of unlawfully summoning law-enforcement officials are both covered by the current § 18.2-461 and existing data sources cannot distinguish between the two acts. Therefore, the impact of the proposed legislation cannot be quantified.

If the proposal is enacted, the minimum assigned under the Department of Juvenile Justice's (DJJ) Length of Stay (LOS) guidelines would change from 3-6 months to 6-12 months. Additionally, as a Class 6 felony, the proposed change will make a juvenile eligible for commitment, while, under current law, at least four Class 1 misdemeanors would be necessary to commit a juvenile without an accompanying felony.

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 and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.