



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 1493

(Patron – Miller)

LD#: 15101225

Date: 12/5/2014

Topic: Enticing, etc., a real estate licensee with intent to commit certain felonies

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000 *
- **Local Adult Correctional Facilities:**
None (\$0)
- **Adult Community Corrections Programs:**
None (\$0)

- **Juvenile Correctional Centers:**
Cannot be determined
- **Juvenile Detention Facilities:**
Cannot be determined

* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the 2014 Acts of Assembly, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Summary of Proposed Legislation:

The proposal adds § 18.2-50.3 to make it a felony to entice, solicit, or request a real estate licensee to enter a dwelling in his or her professional capacity with the intent to commit certain offenses, including murder, malicious wounding, robbery, rape, forcible sodomy, and object sexual penetration. As proposed, a violation of this provision would constitute a separate and distinct felony punishable by a mandatory term of 20 years for the first conviction and a mandatory term of 40 years for a second or subsequent conviction, which must run consecutively with any sentence received for the commission of the primary felony.

Analysis:

Virginia's criminal justice data systems do not contain sufficient detail to identify cases involving the felonies listed above (murder, malicious wounding, etc.) in which the victim is a licensed realtor acting in his or her professional capacity. Neither the Virginia Association of Realtors nor the Virginia Department of Professional and Occupational Regulation collects information on offenses committed against realtors. According to the Department of Professional and Occupational Regulation, as of September 1, 2014, there were 46,649 active licensed realtors in the Commonwealth.

Virginia Real Estate Board Active Licensees as of September 1, 2014

License Type	Number
Principal Brokers	4,697
Associate Brokers	5,729
Sole Proprietors	1,380
Salespersons	34,843
TOTAL	46,649

Note: Figures exclude inactive licenses, as well as real estate firms, schools, and instructors.

Source: Virginia Real Estate Board,
VREB Speaking Newsletter (Summer 2014)

Impact of Proposed Legislation:

State adult correctional facilities. By creating a new felony offense with a mandatory sentence, the proposal could increase the state-responsible (prison) bed space needs of the Commonwealth. However, existing databases do not provide sufficient detail to estimate the number of convictions, or potentially longer sentences, that may result from enactment of the proposal. Therefore, the impact of the proposal on prison bed space needs cannot be determined.

Local adult correctional facilities. Because offenders affected by the proposal must be sentenced to a mandatory prison term, the proposal is not expected to increase local-responsible (jail) bed space needs.

Adult community corrections programs. The proposal is not expected to increase the need for community corrections resources and will delay the need for services for some offenders affected by the proposal, as they will stay in prison longer prior to being released to the community.

Virginia's sentencing guidelines. The sentencing guidelines currently cover most of the felonies listed in the proposal (murder, malicious wounding, etc.). A conviction for the proposed offense would most likely be an additional offense to the primary felony and could augment the guidelines recommendation. No adjustment to the guidelines would be necessary under the proposal.

Juvenile correctional centers. The Department of Juvenile Justice (DJJ) reports that the impact of this proposal on bed space needs for juvenile correctional centers cannot be determined.

Juvenile detention facilities. The Department of Juvenile Justice (DJJ) reports that this proposal's impact on detention center bed space 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 2014 Acts of Assembly, 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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