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SFA



BILL ANALYSIS

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House Bill 5291 (Substitute H-2 as passed by the House)
Sponsor: Representative Barb Vander Veen
House Committee: Criminal Justice
Senate Committee: Judiciary

Date Completed: 12-3-02

CONTENT

The bill would amend Chapter XVII of the Code of Criminal Procedure ("Sentencing Guidelines") to require that a sentencing court score offense variable 5 for "violent crimes", to revise that offense variable, and to revise the conditions for applying sentencing guidelines points under that offense variable.

Currently, offense variable 5 is psychological injury to a member of a victim's family. Under the bill, it would be psychological injury to a member of a violent crime victim's family or a child. Currently, offense variable 5 must be scored for homicide, attempted homicide, conspiracy or solicitation to commit homicide, or assault with intent to commit murder. Under the bill, offense variable 5 would have to be scored for all violent crimes. "Violent crime" would mean the commission of a crime against a person in which physical force or violence was used or threatened.

Currently, a sentencing court is required to score offense variable 5 by determining which description in [Table 1](#) applies and assigning the number of points attributable to the one that has the higher number of points.

Table 1

Serious psychological injury requiring professional treatment occurred to a victim's family	15 points
No serious psychological injury requiring professional treatment occurred to a victim's family	0 points

Under the bill, instead, a sentencing court would have to score offense variable 5 by determining which description in [Table 2](#) applied and assigning the number of points attributable to the one that had the highest number of points.

Table 2

Serious psychological injury that required or could require professional treatment occurred to a violent crime victim's family or to a child, if the injury to the child resulted from the child witnessing a violent crime	15 points
A child witnessed a violent crime	10 points
A child observed the physical results of a violent crime against a family member	5 points
None of the above descriptions applied	0 points

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government.

To the extent that the bill would require the court to score offense variable 5 for all violent crimes rather than only those specifically mentioned under current statute, it could increase the length of sentences violent offenders receive and therefore increase State and local criminal justice costs.

To the extent that the bill would revise the descriptions and point values under offense variable 5, it would have an indeterminate impact on State and local criminal justice costs. The proposed revisions could change the length of sentences that offenders receive, but there are no data to indicate whether the amendments would have an overall positive or negative impact on sentence length.

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