

**Department of Planning and Budget**  
**2002 Fiscal Impact Statement**

**1. Bill Number** HB260

**House of Origin**      ☐ Introduced      ☐ Substitute      ☐ Engrossed

**Second House**      ☐ In Committee      ☐ Substitute      ☒ Enrolled

**2. Patron**      McQuigg

**3. Committee**      Passed both houses

**4. Title**      Biological substances and radiological agents

**5. Summary/Purpose:**

Currently, it is a Class 5 felony to possess, with the intent to injure another, an infectious biological substance capable of causing death. Further, it is a Class 4 felony to destroy or damage any facility or equipment involved in the sale, manufacture, storage, or distribution of an infectious biological substance with the intent to injure another by releasing the substance. The proposed bill would:

- apply the same provision to radiological agents;
- make it a Class 4 felony to manufacture, sell, distribute, or use an infectious biological substance or radiological agent with the intent to injure another; and
- expand the definition of infectious biological substances to include substances capable of causing bodily injury in addition to death.

**6. Fiscal Impact:** Final. See Item No. 8.

**7. Budget amendment necessary:** None.

**8. Fiscal implications:**

The proposed legislation could result in additional persons being incarcerated in state prisons. Due to the lack of data, the Virginia Criminal Sentencing Commission has determined, pursuant to § 30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state responsible (prison) bed space cannot be quantified. However, because there have been no recent convictions under the current statute, it is expected that the impact of the bill will be small.

**9. Specific agency or political subdivisions affected:** Department of Corrections

**10. Technical amendment necessary:** None.

**11. Other comments:** The provisions of this bill are also included in HB 1120 and SB 514.

**Date:** 03/27/02      rwh

**Document:** G:\LEGIS\Fis-02\HB260ER.DOC      Dick Hall - Sizemore

cc: Secretary of Public Safety