

## Department of Planning and Budget 2016 Fiscal Impact Statement

**1. Bill Number: HB 277**

House of Origin    ☒ Introduced    ☐ Substitute    ☐ Engrossed  
Second House    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron: Miyares**

**3. Committee: House Courts of Justice**

**4. Title: Heroin distribution**

**5. Summary:**

Current law includes numerous penalties for the distribution of a Schedule I or II controlled substance, which includes heroin. The first offense is punishable by a sentence of 5 to 40 years in prison; the maximum sentence for a second offense is life imprisonment, with a mandatory minimum sentence of three years; and for a third or subsequent conviction, the mandatory minimum sentence is ten years. Distribution by accommodation is a Class 5 felony, punishable by a sentence of up to 12 months in jail or 1 to 10 years in prison. Finally, there are several mandatory minimum sentences associated with heroin distribution based on the quantity involved.

The proposed legislation would impose a mandatory minimum sentence of 10 years for any offense involving distribution of heroin in addition to any other sentence currently in law, to be served consecutively with any other sentence.

**6. Budget Amendment Necessary: Yes. Items 70 and 394.**

**7. Fiscal Impact Estimates: Preliminary. See Item 8 below.**

**Expenditure Impact:**

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Fund</i> |
|--------------------|----------------|-------------|
|                    |                |             |
| 2017               | \$16,945,516   | General     |
| 2018               | (\$30,660)     | General     |
| 2019               | (\$32,120)     | General     |
| 2020               | (\$32,120)     | General     |
| 2021               | (\$32,120)     | General     |
| 2022               | (\$32,120)     | General     |

## **8. Fiscal Implications:**

By imposing a mandatory minimum sentence of 10 years for distribution of heroin, the proposed legislation will result in more offenders being housed in prisons. It would also result in fewer offenders being held in jail because courts would no longer be able to give jail sentences for some of the offenses related to distribution of heroin.

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$16,691,576 (the highest annual cost over the next six years). The amount is based on the projection that the legislation will result in 531 additional inmates being incarcerated in prison.

The Virginia Criminal Sentencing Commission projects that the legislation would result in up to 22 fewer offenders housed in jails. The Commonwealth reimburses jails \$4.00 per day for each local-responder offender. The legislation is projected to save the state \$16,060 in per diem payments in FY 2017 and by the amounts shown in Item 7 for subsequent years.

## **9. Specific Agency or Political Subdivisions Affected:**

Department of Corrections  
Compensation Board  
Local and regional jails.

## **10. Technical Amendment Necessary:** None.

## **11. Other Comments:** None.

**Date:** 2/1/2016

**Document:** G:\LEGIS\fis-16\hb277.docx Dick Hall-Sizemore