

Department of Planning and Budget 2017 Fiscal Impact Statement

1. Bill Number: HB 1616

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

2. Patron: Lingamfelter

3. Committee: Senate Courts of Justice

4. Title: Felony homicide

5. Summary:

Felony homicide, or second degree murder, is the accidental killing of another while engaged in some other felonious act. It is punishable by a prison sentence of 5 to 40 years.

Under current law and court interpretation, offenders whose manufacture, distribution, etc., of a Schedule I or II controlled substance results in the unintentional death of another may only be convicted of felony homicide if the death is so closely related in time, place, and causal connection as to be part of the same felonious criminal enterprise.

The proposed legislation would allow offenders who manufacture, etc., a Schedule I or II controlled substance to be convicted of felony homicide if the recipient's use of the drug was a proximate cause of death, regardless of the time or place death occurred in relation to the sale or distribution of the drug.

6. Budget Amendment Necessary: Yes. Item 394. The House amendments to the budget bill include funding for the fiscal impact of this legislation.

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

Expenditure Impact:

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Fund</i> |
|--------------------|----------------|-------------|
| | | |
| 2018 | \$50,000 | General |
| 2019 | \$0 | |
| 2020 | \$0 | |
| 2021 | \$0 | |
| 2022 | \$0 | |
| 2023 | \$0 | |

8. Fiscal Implications:

By expanding the scope of a major felony offense, the proposed legislation could result in more persons being held in state prisons.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, 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 determined. In such cases, Chapter 665 of the 2015 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected:

Department of Corrections

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/10/2017