

Department of Planning and Budget 2018 Fiscal Impact Statement

1. **Bill Number:** HB1469 H1

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

2. **Patron:** Hugo

3. **Committee:** Courts of Justice

4. **Title:** Felony homicide; certain drug offenses; penalty.

5. **Summary:** Establishes that a person is guilty of felony homicide if the underlying felonious act that resulted in another person's death involved the manufacture, sale, gift, or distribution of a Schedule I or II controlled substance and (i) the death resulted from the use of the controlled substance and (ii) the controlled substance was the proximate cause of death. This bill serves to overrule the Court of Appeals of Virginia decision in *Woodard v. Commonwealth* (2013), which determined that conviction for a death caused by a controlled substance requires the death to be so closely related in time, place and causal connection as to be part of the same felonious enterprise.

6. **Budget Amendment Necessary:** Yes. Item 391.

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

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2019	\$50,000	General
2020	\$0	
2021	\$0	
2022	\$0	
2023	\$0	
2024	\$0	
2025	\$0	

8. **Fiscal Implications:** Felony homicide constitutes second-degree murder, which is punishable by of no less than five but not more than 40 years' imprisonment. Therefore, this proposal could result in an increase in the number of persons held in jail or sentenced to prison.

There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to

the state. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail and \$12.00 a day for each state responsible inmate. It also funds a considerable portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2017), the estimated total state support for local jails averaged \$34.58 per inmate, per day in FY 2016.

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 836 of the 2017 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, Local and Regional jails.

10. Technical Amendment Necessary: None

11. Other Comments: The substitute bill recognizes the Virginia Criminal Sentencing Commission's fiscal impact assessment.