

Department of Planning and Budget
2020 Special Session I - Fiscal Impact Statement

1. Bill Number: HB5139

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Robinson

3. Committee: House Committee for Courts of Justice

4. Title: Projecting laser at law-enforcement officer; penalties

5. Summary: The proposed bill increases from a Class 2 misdemeanor to a Class 1 misdemeanor the penalty for any person who intentionally projects a beam or a point of light from a laser, a laser gun sight, or any device that simulates a laser at another person while knowing or having reason to know such other person is a law-enforcement or correctional officer and provides that if such intentional projection results in blindness or serious eye injury, such person is guilty of a Class 4 felony, and, upon conviction, the sentence of such person shall include a mandatory minimum term of confinement of two years.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary (see Line 8)

8. Fiscal Implications: The proposed bill amends § 18.2-57.01 (Projecting laser at law-enforcement officer unlawful).

Currently, under § 18.2-57.01, intentionally projecting a beam or point of light from a laser, a laser gun sight, or any device that simulates a laser at a law-enforcement officer, probation or parole officer, or a correctional officer is punishable as a Class 2 misdemeanor. Class 2 misdemeanors are punishable by up to six months in jail, a fine of up to \$1,000, or both.

Data obtained by the Virginia Criminal Sentencing Commission from the Circuit Court Case Management (CMS) shows that for FY2014 through FY2019, six offenders were convicted of a Class 2 misdemeanor under § 18.2-57.01 for pointing a laser at a law enforcement officer, probation or parole officer, or correctional officer. Of these, the violation of § 18.2-57.01 was the most serious offense in five cases and none of these offenders received an active term of incarceration after sentencing. Therefore, the proposal is not expected to increase jail bed space needs during the six-year window specified by § 30-19.1:4.

The bill also creates a new Class 4 felony under § 18.2-57.01 for projecting a laser at a law-enforcement officer resulting in blindness or a serious eye injury. The Virginia Sentencing Commission reports, based on available data, that in the six most recent fiscal years, no offender has received an active sentence of incarceration to serve for a violation of § 18.2-

57.01. Therefore, the proposal is not expected to increase prison bed space needs of the Commonwealth during the six-year window specified by § 30-19.1:4.

9. Specific Agency or Political Subdivisions Affected: Law enforcement officers and correctional officers, local jails, Courts, Commonwealth's Attorneys.

10. Technical Amendment Necessary: No

11. Other Comments: None