

## **Department of Planning and Budget**

### **2023 Fiscal Impact Statement**

**1. Bill Number:** SB1207H1

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

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

**2. Patron:** McDougle

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

**4. Title:** Crimes by gangs.

**5. Summary:** Expands the definition of a “predicate criminal act” associated with gang activity to include any violent felony offenses (as laid out in § 17.1-805 C). The proposal also increases existing felony penalties and mandatory minimums for certain gang crimes and expands the applicability of enhanced penalties involved with criminal street gang participation when an offender commits a predicate criminal act.

**6. Budget Amendment Necessary:** Yes. Item 404

**7. Fiscal Impact Estimates:** Preliminary (see Item 8).

**8. Fiscal Implications:** The proposal expands the list of crimes that trigger felony penalties for gang participation delineated by § 18.2-46.2 (prohibited criminal street gang) and raises the existing penalties and mandatory minimum terms for several gang related crimes defined under §§ 18.2-46.2, 18.2-46.3:1 (third or subsequent conviction of criminal street gang crimes), and 18.2-46.3:3 (enhanced punishment for gang activity taking place in a gang-free zone).

Therefore, this proposal is expected to have an impact on the future state-responsible (prison) bed space needs of the Commonwealth. The impact is estimated to be at least 9 beds statewide by FY2029. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is at least \$437,679. According to the Virginia Criminal Sentencing Commission (VCSC), this is a minimum estimate, as this figure does not include the impact the proposal may have on gang recruitment offenses under § 18.2-46.3 nor does it reflect the potential increase in sentences that may result from the higher penalties that are proposed; the data are insufficient to estimate the impact of those aspects of the proposal.

**9. Specific Agency or Political Subdivisions Affected:** Courts, Department of Corrections (DOC), law enforcement agencies, and local and regional jails.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.