

## Department of Planning and Budget 2021 Fiscal Impact Statement

**1. Bill Number:** HB1936H1

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

**2. Patron:** Watts

**3. Committee:** House

**4. Title:** Robbery; penalties.

**5. Summary:** The substitute bill defines “serious bodily injury” to be the same as the definition used in § 18.2-51.4., which defines this term as, “bodily injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.” The bill substitute also replaces the degrees of punishment that were proposed in the introduced bill with felony classifications that correspond to the severity of the offense so that any person who commits robbery:

- Causing serious bodily injury or death is guilty of a Class 2 felony, which is punishable by confinement in a state correctional facility for a maximum term of life;
- Displaying a firearm in a threatening manner is guilty of a Class 3 felony, which is punishable by confinement in a state correctional facility for a maximum term of 20 years;
- Using physical force not resulting in serious bodily injury or by displaying a deadly weapon other than a firearm in a threatening manner is guilty of a Class 5 felony, which is punishable by confinement in a state correctional facility for a maximum term of 10 years; and,
- Using threat or intimidation not involving a deadly weapon is guilty of a Class 6 felony, which is punishable by confinement in a state correctional facility for a maximum term of 5 years or at the discretion of the jury or court, not more than 12 months in jail.

**6. Budget Amendment Necessary:** No

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

**8. Fiscal Implications:** Under current law, any robbery is punishable by confinement in a state correctional facility for life or any term not less than five years. While this bill does not amend the overall maximum penalty for robbery, this bill decreases the minimum penalty for robbery from the five year minimum confinement in a state correctional facility to a fine of

\$2,500 and/or confinement in jail not to exceed 12 months. In addition, only those causing serious bodily injury would be subject to the maximum term of life while current law authorizes this penalty for any type of robbery. As a result, this bill would likely reduce punishment for some offenders, which would likely result in a decrease in periods of imprisonment or commitment. Overall, the Virginia Criminal Sentencing Commission reported that approximately 182 offenders from FY2019 through FY2020 would have received lesser penalties if they had been sentenced based on these specific felony classifications.

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$0 for periods of imprisonment in state adult correctional facilities because the bill is not expected to increase the state-responsible (prison) bed space needs of the Commonwealth.

Any potential fiscal impact on the Department of Juvenile Justice (DJJ) is indeterminate at this time.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Corrections, Department of State Police, Department of Juvenile Justice, Local and regional jails, Local law enforcement agencies, Courts, Commonwealth's Attorneys, and Public Defenders Offices.

- 10. Technical Amendment Necessary:** No

- 11. Other Comments:** None