

Department of Planning and Budget

2021 Fiscal Impact Statement

1. Bill Number: HB1936

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

2. Patron: Watts

3. Committee: Courts of Justice

4. Title: Robbery; penalties.

5. Summary: Under current law, any robbery is punishable by confinement in a state correctional facility for life or any term not less than five years. This bill amends the definition of “robbery” to create degrees of punishment corresponding to the severity of a robbery offense so that any person who commits a robbery by:

- Causing serious bodily injury is guilty of robbery in the first degree, 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 robbery in the second degree, 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 robbery in the third degree, which is punishable as a Class 5 felony.
- Using threat or intimidation not involving a deadly weapon is guilty of robbery in the fourth degree, which is punishable as a Class 6 felony.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: 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 may result in a decrease in periods of imprisonment or commitment. Overall, the Virginia Criminal Sentencing Commission reported that approximately 150 offenders from FY2019 through FY2020 would have received lesser penalties if they had been sentenced based on these new degrees of punishment.

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