

Department of Planning and Budget

2021 Special Session I Fiscal Impact Statement

1. Bill Number: HB1936 ER

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

2. Patron: Watts

3. Committee: Passed both houses

4. Title: Robbery; penalties.

5. Summary:

The proposal 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 proposal also establishes 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, intimidation, or any other means 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: Final. See Item 8 below.

8. Fiscal Implications: The legislation would reduce the maximum penalty for robbery penalties. Currently, the statutory penalty range for all robberies is five years up to life in prison. Except in cases causing serious bodily injury to or the death of any other person, the

proposed statutory maximum would be 5, 10, or 20 years based on other elements of the robbery offense. According to the Virginia Sentencing Commission, the proposed legislation is not expected to increase state prison beds or local jail beds during the six-year period required for legislative impact statements.

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 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