

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: HB1478S1

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☒ Substitute ☐ Enrolled

2. Patron: Ballard

3. Committee: Judiciary

4. Title: Crimes by gangs.

5. Summary: Expands the definition of a “predicate criminal act” associated with gang activity to include any act of violence violation under § 17.1-805 C. The proposal also increases existing felony penalties 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 below).

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 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, it 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.