



## **Fiscal Impact Statement for Proposed Legislation**

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### ***Virginia Criminal Sentencing Commission***

#### **House Bill No. 2167** **Amendment in the Nature of a Substitute** ***(Patron Prior to Substitute –Williams)***

**LD#:** 23105966

**Date:** 01/31/2023

**Topic:** Workplace violence

#### **Fiscal Impact Summary:**

- **State Adult Correctional Facilities:**  
\$50,000 \*
- **Local Adult Correctional Facilities:**  
Cannot be determined
- **Adult Community Corrections Programs:**  
Cannot be determined

- **Juvenile Direct Care:**  
Cannot be determined \*\*
- **Juvenile Detention Facilities:**  
Cannot be determined \*\*

\*\*Provided by the Department of Juvenile Justice

\* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, fiscal impact statements prepared by the Virginia Criminal Sentencing Commission only include the estimated increase in operating costs associated with additional state-responsible prison beds and do not reflect any other costs or savings that may be associated with the proposed legislation.

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#### **Summary of Proposed Legislation:**

The proposal adds § 18.2-324.3 to the *Code of Virginia* making it a Class 3 felony for any person to commit an act of violence as defined in § 19.2-297.1(A) at (i) their place of employment or former place of employment, or at any other workplace of the same employer, whether on or off duty and whether during or outside of normal business hours, (ii) a place of worship, (iii) a courthouse, or (iv) a hospital. The bill provides that such offense is a separate and distinct offense, the punishment for which must be served consecutively to the offense that constitutes the act of violence.

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#### **Analysis:**

According to the Circuit Court Case Management System (CMS) for fiscal year (FY) 2021 and FY2022, 2,308 offenders were convicted for committing an act of violence (§ 19.2-297.1). Existing data sources do not contain sufficient detail to identify the number of additional individuals who, if the proposal were enacted, would be convicted of a Class 3 felony under the proposed § 18.2-324.3. However, offenders convicted of the proposed felony may be sentenced similarly to those convicted of a Class 3 felony under existing provisions of § 18.2-51 for a completed crime of malicious wounding.

According to the Sentencing Guidelines database for FY2021 and FY2022, 617 offenders were convicted of a Class 3 felony under § 18.2-51 for malicious wounding. In 405 cases, a completed act of malicious wounding was the primary (most serious) offense at sentencing. The majority of offenders (93.1%) were given state-responsible (prison) terms with a median sentence of four years. Another 13 offenders (3.2%)

were sentenced to local-responsible (jail) terms with a median sentence of six months. The remaining offenders (3.7%) did not receive an active term of incarceration to serve after sentencing.

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** By adding a new Class 3 felony to the *Code*, the proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. Available data sources do not contain sufficient detail to estimate the number of additional felony convictions that may result from enactment of the proposal; therefore, the magnitude of the impact on prison bed space needs cannot be determined.

**Local adult correctional facilities.** Similarly, the proposal may increase local-responsible (jail) bed space needs; however, the magnitude of the impact cannot be determined.

**Adult community corrections resources.** Because the proposal could result in convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase the need for adult community corrections resources. Since the number of cases affected cannot be determined, the potential impact on community corrections cannot be quantified.

**Virginia's Sentencing Guidelines.** As a new felony, convictions under the proposed § 18.2-324.3 would not be covered by the Sentencing Guidelines as the primary, or most serious, offense. However, such conviction may augment the Guidelines recommendation (as an additional offense) if the most serious offense at sentencing is covered by the Guidelines. No adjustment to the Guidelines would be necessary under the proposal.

**Juvenile direct care.** According to the Department of Juvenile Justice, the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) bed space needs cannot be determined.

**Juvenile detention facilities.** The Department of Juvenile Justice reports that the proposal's impact on the bed space needs of juvenile detention facilities cannot be determined.

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**Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.**

**Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

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