

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: SB1188H1

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☒ Substitute ☐ Enrolled

2. Patron: Reeves

3. Committee: Committee for Courts of Justice.

4. Title: Weapon of terrorism; definition; penalty.

5. Summary: Expands the definition of a weapon of terror to include any mixture or substance containing a detectable amount of fentanyl, including its isomers, esters, ethers, salts, and salts of isomers, except as authorized in the Drug Control Act (§ 54.1-3400 et seq.). Any person who intentionally manufactures and distributes a weapon of terrorism that contains any mixture or substance containing a detectable amount of fentanyl is guilty of a Class 4 felony. A violation of this provision will constitute a separate and distinct offense.

6. Budget Amendment Necessary: Yes. Item 404.

7. Fiscal Impact Estimates: Preliminary (see Item 8).

8. Fiscal Implications: Under the provisions of the substitute proposal, any person who intentionally manufactures and distributes a weapon of terrorism that contains any mixture or substance containing a detectable amount of fentanyl is guilty of a Class 4 felony, punishable by between two and 10 years of imprisonment and a fine of up to \$100,000.

According to the Virginia Criminal Sentencing Commission (VCSC), by creating a new Class 4 felony and expanding the applicability of several existing felonies, the proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. However, VCSC has concluded that existing data are insufficient to estimate the number of additional felony convictions that may result from enactment of the proposal. Due to the lack of data, the VCSC has concluded, pursuant to § 30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 2, 2022 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, local and regional jails, state and local law enforcement, Courts, Public Defender's Office, Commonwealth's Attorneys' Offices.

10. Technical Amendment Necessary: No.

11. Other Comments: None.