

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: SB1188S1

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Reeves

3. Committee: Judiciary

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

5. Summary: Expands the definition of a weapon of terrorism to include any mixture or substance containing a detectable amount of fentanyl, including its isomers, esters, ethers, salts, and salts of isomers. Any person who knowingly and intentionally manufactures or distributes a weapon of terrorism when such person knows that such weapon of terrorism is, or contains, any mixture or substance containing a detectable amount of fentanyl is guilty of a Class 4 felony.

6. Budget Amendment Necessary: Yes. Item 404.

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

8. Fiscal Implications: 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, the Virginia Criminal Sentencing Commission (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.

The bill may increase local-responsible (jail) bed space needs; however, the magnitude of the impact cannot be determined; the impact on the Department of Juvenile Justice cannot be determined at this time.

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.