



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill No. 123

Amendment in the Nature of a Substitute

(Patron Prior to Substitute – Wyatt)

LD#: 22106436

Date: 02/10/2022

Topic: Tampering with firefighting and EMS equipment

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 552 of the 2021 Acts of Assembly, 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.

Summary of Proposed Legislation:

The proposal amends § 18.2-151.1 of the *Code of Virginia*, relating to destroying, removing, or tampering with firefighting or emergency medical services (EMS) equipment or law-enforcement vehicles and equipment. The bill increases from a Class 1 misdemeanor to a Class 6 felony for injuring, destroying, removing, or tampering with any firefighting equipment or apparatus or any emergency medical services vehicle. The proposal also expands the proposed penalty to include injuring, destroying, removing, or tampering with any equipment used by emergency medical services personnel and any equipment or vehicle used by law-enforcement officers.

Analysis:

According to General District Court (GDC) Case Management System (CMS) data for fiscal year (FY) 2016 through FY2021, six offenders were convicted of a Class 1 misdemeanor under § 18.2-151.1. Four offenders did not receive an active term of incarceration to serve after sentencing. For the two offenders given a local-responsible (jail) sentence, the median sentence was 20 days.

Impact of Proposed Legislation:

State adult correctional facilities. By expanding an existing Class 1 misdemeanor offense under § 18.2-151.1, and increasing the penalty for such an offense to a Class 6 felony, the proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. However, existing data sources do not contain sufficient detail to estimate the number of additional felony convictions that may occur following 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 felony 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. The Sentencing Guidelines would not cover felony violations under the proposed § 18.2-151.1. However, such convictions may augment the Guidelines recommendation 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.

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 552 of the 2021 Acts of Assembly, 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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