



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill 1855 (Patron – Arnold)

LD#: 25102078

Date: 12/17/2024

Topic: Threats to bomb or damage

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
None (\$0)
- **Local Adult Correctional Facilities:**
\$32,101 (2 beds)
- **Adult Community Corrections Programs:**
None (\$0)

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

* Provided by the Department of Juvenile Justice

Summary of Proposed Legislation:

Currently, under § 18.2-83, it is unlawful for any person to communicate a threat to bomb, burn, destroy or damage any place of assembly, building, or means of transportation or to communicate false information as to the existence of any danger related to such things. A violation of this section is a Class 5 felony if the offender is 15 years of age or older or a Class 1 misdemeanor if the offender is under the age of 15.¹

Under the proposal, violation of § 18.2-83 involving a public, private, or religious elementary or secondary school would require the court to impose a term of confinement of at least six months, 30 days of which must be a mandatory minimum term of confinement.

Analysis:

Sentencing Guidelines data for fiscal year (FY) 2023 and FY2024 indicate that 154 offenders were convicted of a Class 5 felony for communicating threats or false information in violation of § 18.2-83. For 128 of the 154 offenders, this was the primary, or most serious, offense. Of these, 21.9% received a state-responsible (prison) term with a median sentence of 1.2 years. Another 41.4% of the offenders were given a local-responsible (jail) term for which the median sentence was six months. The remaining 36.7% did not receive an active term of incarceration to serve after sentencing.

Impact of Proposed Legislation:

State adult correctional facilities. The proposal would require a mandatory minimum sentence of 30 days for any violation of § 18.2-83 involving a public, private, or religious elementary or secondary school. A mandatory minimum sentence of this length is unlikely to increase the future state-responsible (prison) bed space needs of the Commonwealth.

¹ Under current law, the felony offense under § 18.2-83 (related to threat to bomb, damage, etc.) is eligible for the enhanced sentence credits specified in § 53.1-202.3, whereby individuals must serve a minimum of 67% of the sentence ordered by the court. The proposed legislation does not change the earned sentence credits available to offenders convicted of this felony.

Local adult correctional facilities. The proposal is expected to increase the future need for local-responsible (jail) beds. The impact on jail beds is estimated to be 2 beds by FY2031 (state costs: \$32,101; local costs: \$49,431).

Estimated Six-Year Impact in Local-Responsible (Jail) Beds

FY26	FY27	FY28	FY29	FY30	FY31
1	2	2	2	2	2

Adult community corrections programs. The proposal is not expected to have an impact on state or local community corrections resources in Virginia.

Virginia’s Sentencing Guidelines. Felony convictions under § 18.2-83 are covered by the Sentencing Guidelines as the primary, or most serious, offense. This felony is currently not defined as violent under § 17.1-805(C) for Guidelines purposes. No adjustment to the guidelines is 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 is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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