



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill 2299

(Patron – Earley)

LD #: 25100782

Date: 11/01/2025

Topic: Computer trespass against schools and school boards

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
None (\$0) *
- **Local Adult Correctional Facilities:**
Cannot be determined, likely to be small
- **Adult Community Corrections Programs:**
Cannot be determined, likely to be small

- **Juvenile Correctional Centers:**
Cannot be determined **
- **Juvenile Detention Facilities:**
Cannot be determined **

** Provided by the Department of Juvenile Justice

* 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 §18.2-152.4 of the *Code of Virginia* to make computer trespass a Class 6 felony when it is committed against a public, private, or religious elementary or secondary school or school board. Currently, computer trespass is a Class 1 misdemeanor unless the act is committed against a government agency or public utility or the act resulted in a loss or damage of \$1,000 or more.¹

Analysis:

According to General District Court Case Management System (CMS) data for fiscal year (FY) 2019 through FY2024, there were 26 Class 1 misdemeanor convictions for violations of § 18.2-152.4. Six of the offenders received a local-responsible (jail) term of 10 days, while the others did not receive a term of incarceration to serve after sentencing.

The number of convictions for computer trespass acts against a school or school board cannot be determined. As proposed, acts involving schools or school boards would be increased to Class 6 felonies. Defendants convicted of such acts may be sentenced similarly to those currently convicted of Class 6 felonies under §18.2-152.4. According to Circuit Court Case Management System (CMS) data for FY2019 through FY2024, there were five Class 6 felony computer trespass convictions under § 18.2-152.4. The computer crime was the primary, or most serious, offense in four cases. None of these defendants received an active term of incarceration to serve after sentencing.

¹ Under current law, felony offenses impacted by amendments to §18.2-152.4 are eligible for the enhanced sentence credits specified in § 53.1-202.3, whereby offenders will 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 these felonies.

Impact of Proposed Legislation:

State adult correctional facilities. By increasing the penalty for an existing Class 1 misdemeanor to a Class 6 felony, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. In past six fiscal years, however, no offender convicted of a Class 6 felony under the existing provision has received an active state-responsible (prison) term. Therefore, the proposal is not expected to impact prison bed space needs during the six-year window specified by § 30-19.1:4 for legislative impact statements.

Local adult correctional facilities. The proposal may increase the local-responsible (jail) bed space needs, but the magnitude of the impact cannot be determined. The impact, if any, is likely to be small.

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 that may be affected cannot be determined, the potential impact on community corrections resources cannot be estimated.

Virginia's Sentencing Guidelines. Convictions under § 18.2-152.4 are not covered by the Sentencing Guidelines as the primary, or most serious, offense. Such convictions, however, may augment the Guidelines recommendation (as additional offenses) if the most serious offense at sentencing is covered by the Guidelines. These felonies are not defined as violent by § 17.1-805(C) for Guidelines purposes. No immediate adjustment to the Guidelines would be necessary under the proposal. If the proposal is enacted, the Sentencing Commission in the future could conduct detailed analyses of sentencing patterns to determine the feasibility of adding the new felony to the Guidelines system.

Juvenile correctional centers. 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.

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

comtrespass01_0782