

**Department of Planning and Budget
2025 General Assembly Session
State Fiscal Impact Statement**

PUBLISHED: 1/9/2025 3:59 PM

ORIGINAL

Bill Number: HB1849 **Patron:** Arnold
Bill Title: Manufacturing, selling, giving, distributing, etc., of fentanyl; weight-based and pill-based penalties.

Bill Summary: Creates a penalty structure for manufacturing, selling, giving, distributing, or possessing with the intent to manufacture, sell, give, or distribute fentanyl based on the weight of the fentanyl, its salts, isomers, or salts of its isomers; the weight of a mixture or substance containing a detectable amount of fentanyl, its salts, isomers, or salts of its isomers; or the number of pills containing a detectable amount of fentanyl, its salts, isomers, or salts of its isomers.

Budget Amendment Necessary: Yes **Items Impacted:** Item 390
Explanation: See below

Fiscal Summary:

Proposal requires minimum “Woodrum” impact funding per § 30-19.1:4, Code of Virginia, to account for a possible increase in the need for state prison beds due to this legislation.

General Fund Expenditure Impact:

<u>Agency</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Dept. of Corrections		\$50,000				
TOTAL		\$50,000				

Fiscal Analysis:

The proposal amends § 18.2-248 of the Code of Virginia to establish weight-based criminal penalties for offenders who manufacture, sell, give, or distribute fentanyl. By increasing the penalties for manufacturing, distributing, etc., larger amounts of fentanyl, the proposal may increase the number of individuals in the jails and increase the state-responsible (prison) bed space needs of the Commonwealth.

There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$5.00 a day for each misdemeanor or otherwise local-responsible prisoner held in a jail and \$15.00 a day for each state-responsible prisoner. It also funds a considerable portion of the jails’ operating costs, e.g., correctional officers. The state’s share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board’s most recent Jail Cost Report (November 2024), the estimated total state support for local jails averaged \$56.38 per inmate, per day in FY 2023.

Department of Planning and Budget
2025 General Assembly Session
State Fiscal Impact Statement

Due to the lack of data, the Virginia Criminal Sentencing Commission 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, 2024 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

Other: None