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

PUBLISHED: 1/10/2025 11:45 AM ORIGINAL

Bill Number: HB1848 Patron: Arnold

Bill Title: Possession of controlled substances unlawful; second or subsequent conviction; mandatory

minimum.

Bill Summary: Provides that the sentence of any person convicted of possession of any controlled substance classified in Schedule I or II of the Drug Control Act for (i) a second offense within less than five years shall include a mandatory minimum sentence of 20 days and a mandatory minimum fine of \$500; (ii) a second offense within 10 years shall include a mandatory minimum sentence of 45 days and a mandatory minimum fine of \$500; (iii) a third offense within 10 years shall include a mandatory minimum sentence of 90 days and a mandatory minimum fine of \$500, unless the three offenses were committed within a five-year period, in which case the sentence shall include a mandatory minimum sentence of six months and a mandatory minimum fine of \$1,000; and (iv) a fourth or subsequent offense within 10 years shall include a mandatory minimum sentence of one year and a mandatory minimum fine of \$1,000. The bill also provides that the driver's license of any person convicted of possession of any controlled substance classified in Schedule I or II of the Drug Control Act (a) may be suspended for a period of up to 30 days for the first offense and (b) shall be suspended for a period of 30 days for a second or subsequent offense.

Budget Amendment Necessary: Yes Items Impacted: Item 390

Explanation: See below

Fiscal Summary:

Proposal requires "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>	FY2027	<u>FY2028</u>	<u>FY2029</u>	FY2030
Dept. of Corrections		\$7,014,436				
						_
TOTAL		\$7,014,436				

Fiscal Analysis:

The proposed legislation would impose various mandatory minimum sentences on the offenders convicted of second or subsequent offenses for possession of a Schedule I or II drug. Compared to current law, the proposal is expected to increase the number of individuals in jail and the future state-responsible (prison) bed

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

space needs of the Commonwealth. According to the Virginia Criminal Sentencing Commission, the impact is estimated to be 79 prison beds statewide by FY2031. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$4,356,234. Additionally, some offenders may receive longer local-responsible (jail) sentences and other offenders may be given a state prison sentence rather than a local jail sentence. The net impact on local-responsible (jail) beds is estimated to be 129 beds by FY2031 (state costs: \$2,658,202; local costs: \$4,093,345). The total cost of additional state-responsible and local-responsible beds to the Commonwealth is estimated to be \$7,014,436.

Other: None