



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill 2498 ***(Patron—Krizek)***

LD#: 25100172

Date: 01/10/2025

Topic: Virginia Gaming Commission established

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
None (\$0)
- **Local Adult Correctional Facilities:**
None (\$0)
- **Adult Community Corrections Programs:**
None (\$0)

- **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 establishes the Virginia Gaming Commission (VGC) as an independent agency of the Commonwealth to oversee and regulate all forms of legal gambling in the Commonwealth except for the state lottery. The bill sets eligibility requirements for the appointment of a Commissioner and Virginia Gaming Commissioner Board members, provides powers and duties of such Commissioner and Board members, and provides for the transfer of current employees of relevant state agencies to the Commission. The bill contains numerous technical amendments.

Analysis:

According to Circuit Court Case Management System (CMS) data for fiscal year (FY) 2019 through FY2024, there were 24 convictions for the felony offenses that would be moved into the recodified statutes under the proposal. Such felony offense was the primary, or most serious, offense in 13 cases. All of these felony offenses are related to lottery violations. In five cases (38.5%), the offender did not receive an active term of incarceration to serve after sentencing. In seven cases (53.8%), the offender was sentenced to a local-responsible (jail) term with a median sentence of approximately 1.3 months. The remaining one offender was sentenced to a state-responsible (prison) term with an active sentence of five years.

Impact of Proposed Legislation:

State adult correctional facilities. While establishing Virginia Gaming Commission, the proposal restructures the procedures, licensing requirements, criminal penalties, etc., related to different types of

gaming by moving such provisions to new *Code* sections in Title 29.5. Because it does not expand the applicability of the existing felonies, the proposal is not expected to have an impact on the state-responsible (prison) bed space needs of the Commonwealth.

Local adult correctional facilities. Similarly, the proposal is not expected to have an impact on local-responsible (jail) bed space needs of the Commonwealth.

Adult community corrections programs. The proposal will not affect community corrections programs.

Virginia's sentencing guidelines. None of the offenses under the recodified statutes are covered by the Sentencing Guidelines when the offense is the primary, or most serious, offense in a case. However, convictions under these statutes could 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. According to the Department of Juvenile Justice, the impact of the proposal 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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