

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

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**ORIGINAL**

**Bill Number:** HB2301

**Patron:** Earley

**Bill Title:** Crimes against nature; taking indecent liberties with children; penalties.

**Bill Summary:** Adds "nephew or niece" and "uncle or aunt" to the offense of crimes against nature and adds "uncle or aunt" as the perpetrator and "nephew or niece" as the victim to the offense of taking indecent liberties with children.

**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				
<b>TOTAL</b>		<b>\$50,000</b>				

**Fiscal Analysis:**

Anyone convicted of a Class 3 felony is subject to a term of imprisonment of not less than five years nor more than 20 years and a fine of not more than \$100,000. Anyone convicted of a Class 4 felony is subject a term of imprisonment of not less than two years nor more than 10 years and a fine of not more than \$100,000. Anyone convicted of a Class 5 felony is subject to a term of imprisonment of not less than one year nor more than 10 years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both. By expanding the applicability of existing Class 3, Class 4, and Class 5 felonies, this proposal may increase the jail and 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

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(November 2024), the estimated total state support for local jails averaged \$56.38 per inmate, per day in FY 2023.

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