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

PUBLISHED: 1/16/2025 8:17 AM **ORIGINAL**

Bill Number: HB2406 **Patron:** Scott, P.A.
Bill Title: Escape from jail or custody; penalty.

Bill Summary: Specifies that the definition of law-enforcement officer that currently applies for the crime of assault and battery of a law-enforcement officer shall be used for the purposes of the crimes related to escaping from jail or custody of a law-enforcement officer.

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:

Agency	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030
Dept. of Corrections		$50,000				
TOTAL		**$50,000**				

Fiscal Analysis:

This proposal expands the applicability of the existing Class 6 felonies defined in § 18.2-478 and § 18.2-479(B). Anyone convicted of a class 6 felony is subject to a term of imprisonment of not less than one year nor more than five 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. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

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 misdemeanant 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.

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