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

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**Bill Number:** HB2296 **Patron:** Earley

**Bill Title:** Reckless exposure of illegal fentanyl to certain persons; penalty; arrest and prosecution

when experiencing or reporting overdoses.

Bill Summary: Provides that any person who unlawfully possesses fentanyl, including its isomers, esters, ethers, salts, and salts of isomers, and recklessly exposes a law-enforcement officer, correctional officer, jail officer, firefighter, search and rescue personnel, or emergency medical services personnel, as those terms are defined in relevant law, to such fentanyl and causes severe bodily injury or an overdose to such officer, firefighter, or personnel is guilty of a Class 4 felony. The bill also provides that no individual incarcerated in a local, regional, or state correctional facility shall be subject to arrest or prosecution for such offense if such individual seeks or obtains emergency medical attention for himself or another individual experiencing an overdose or is experiencing an overdose and another individual seeks or obtains emergency medical attention for him.

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		\$50,000				
Corrections		750,000				
TOTAL		\$50,000				

### **Fiscal Analysis:**

Anyone convicted of a Class 4 felony is subject to a term of imprisonment of not less than two years nor more than 10 years and a fine of not more than \$100,000. Therefore, this proposal could result in an increase in the number of persons sentenced to prison.

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.

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Other: None