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

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Bill Number: HB2215 **Patron:** Kilgore Damage or trespass to public services or utilities; penalty.

Bill Summary: Provides that any person who intentionally destroys or damages any facility, fixtures, equipment, or information technology system used to provide, process, transmit, furnish, or maintain public services, utilities, or other critical infrastructure is guilty of a Class 3 felony. Under current law, any person convicted of intentionally destroying or damaging public services or utilities is guilty of a Class 4 felony. If the destruction or damage to such public services, utilities, or other critical infrastructure can be repaired for less than \$1,000, such act is a Class 1 misdemeanor. Current law provides that repairable damage is a Class 3 misdemeanor. The bill also makes it a Class 3 felony if such destruction or damage might threaten the release of increased radioactive materials or ionizing radiation. If exposure to such increased release of radioactive materials or ionizing radiation causes injury to another person, the person causing the damage or destruction is guilty of a Class 2 felony; however, it is a Class 1 felony if such damage or destruction causes the death of another person.

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>	FY2025	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Dept. of Corrections		\$50,000				
TOTAL		\$50,000				

Fiscal Analysis:

This proposal increases the penalties and expands the applicability of the current statute for felonies and misdemeanors defined in § 18.2-162. 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

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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