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

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Bill Number: SB1258 **Patron:** Durant
Bill Title: Possession of fentanyl in presence of minor prohibited; enhanced penalty.

Bill Summary: Makes it a Class 3 felony for any person 18 years of age or older to knowingly possess any substance containing a detectable amount of fentanyl, including its derivatives, isomers, esters, ethers, salts, and salts of isomers, in the presence of a minor younger than 15 years of age, unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act.

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:

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. 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.

Other: None