

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

PUBLISHED: 1/24/2025 12:20 PM

ORIGINAL

Bill Number: SB1446

Patron: Cifers

Bill Title: Human smuggling; penalties.

Bill Summary: Makes it a Class 6 felony for any person who, with the intent to obtain a pecuniary benefit, knowingly and with the intent to evade the immigration laws of the United States uses a motor vehicle, aircraft, watercraft, or other means of conveyance to transport another person in or through the Commonwealth and knows or should have known that such person being transported is likely to be exploited for the financial gain of another. The bill provides that any person who commits human smuggling (i) in a manner that creates a substantial likelihood that the individual being smuggled will suffer serious bodily injury or death, (ii) by smuggling a child younger than 18 years of age at the time of the offense, or (iii) while knowingly possessing a firearm during the commission of the offense is guilty of a Class 3 felony. The bill also provides that any person who commits human smuggling and as a direct result of the commission of the offense the individual being smuggled (a) became a victim of human trafficking, commercial sex trafficking, sexual assault, or aggravated sexual assault or (b) suffered serious bodily injury or death is guilty of a Class 2 felony.

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				
TOTAL		\$50,000				

Fiscal Analysis:

This proposal adds new felony penalties for human smuggling. 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. 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

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Class 2 felony is subject to imprisonment for life or for any term not less than 20 years and a fine of not more than \$100,000.

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 (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