

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

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ORIGINAL

Bill Number: HB2657 **Patron:** Thomas
Bill Title: Involuntary manslaughter; certain drug offenses.

Bill Summary: Provides that any person who, as a result of manufacturing, selling, or distributing with the intent to manufacture, sell, or distribute a controlled substance that contains a detectable amount of fentanyl, including its derivatives, isomers, esters, ethers, salts, and salts of isomers, unintentionally causes the death of another person, is guilty of involuntary manslaughter if (i) such death results from use of the controlled substance and (ii) such controlled substance is the proximate cause of the death.

Budget Amendment Necessary: Yes **Items Impacted:** Item 390
Explanation: See below

Fiscal Summary:

Proposal requires “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		\$64,996				
TOTAL		\$64,996				

Fiscal Analysis:

The proposal adds § 18.2-36.3 to the Code of Virginia relating to involuntary manslaughter involving certain drugs. Under the proposal, any person who, as a result of manufacturing, selling, or distributing a controlled substance that contains a detectable amount of fentanyl, unintentionally causes the death of another person is guilty of involuntary manslaughter if (i) such death results from use of the controlled substance and (ii) such controlled substance is the proximate cause of the death. Involuntary manslaughter is a Class 5 felony, which is punishable by imprisonment of 1 to 10 years.

Anyone convicted of a Class 5 felony is subject to a term of imprisonment of not less than one year nor more than 10 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.

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By expanding the applicability of involuntary manslaughter to additional circumstances beyond what is currently allowed by law, the proposal will likely increase the future state-responsible (prison) bed space needs of the Commonwealth above what would otherwise be needed. The Virginia Criminal Sentencing Commission (VCSC) estimates the impact of this proposal would require at least one bed statewide by FY2031. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is at least \$64,996. The proposal may have additional impacts beyond the six-year forecast window required by § 30-19.1:4.

VCSC does not expect this proposal to have an impact on local-responsible (jail) bed needs.

Other: None