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

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Bill Number: SB1098S1 Patron: Hashmi

Bill Title: Virginia Reproductive and Gender-Affirming Health Care Protection Act established;

prohibition on extradition for certain crimes; penalties.

Bill Summary: Establishes the Virginia Reproductive and Gender-Affirming Health Care Protection Act. The bill provides that it is the policy of the Commonwealth that all persons are entitled to provide, receive, and help others to provide or receive protected health care activity, defined in the bill as reproductive and genderaffirming health care services, not prohibited under the laws of the Commonwealth, and that such provision, receipt, and assistance is not diminished, chilled, or infringed by public or private actors. The bill provides that no law-enforcement officer acting in the Commonwealth or employed by the Commonwealth or any of its localities or political subdivisions may investigate, arrest, or detain any person, seek the issuance of a warrant, or otherwise assist in or provide support for any investigation involving protected health care activity not prohibited under the laws of the Commonwealth. The bill creates a private right of action for any person who is aggrieved by such unlawful investigation to obtain an injunction or other equitable relief against such lawenforcement officer. The bill creates a private right of action for any person who sustains any injury, damages, or other harm resulting from another person who, under the laws of a jurisdiction other than the Commonwealth, engages or attempts to engage in abusive litigation, as defined in the bill. The bill also provides that no demand for extradition of a person charged with a criminal violation of law of another state shall be recognized by the Governor if such alleged violation involves protected health care activity within the Commonwealth unless the alleged criminal violation would also constitute a criminal offense under the laws of the Commonwealth. The bill provides that any subpoena under the Uniform Interstate Depositions and Discovery Act or any summons for a witness for another state in a criminal case shall include an attestation, made under penalty of perjury, stating whether the subpoena or summons seeks documents, information, or testimony related to protected health care activity.

The substitute bill updates the code number referenced in the description of § 32.1-379. *Abusive litigation;* interference with protected health care activity.

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.

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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				
TOTAL		750,000				

Fiscal Analysis:

The proposal amends §§ 8.01-412.10, 19.2-88, 19.2-99, 19.2-100, 19.2-273, and 19.2-274 and adds § 19.287.1 and §§ 32.1-376 through 32.1-384 to establish the Virginia Reproductive and Gender-Affirming Health Care Protection Act. There is a perjury provision under the proposed § 8.01-412.10 when a false attestation is made in the issuance of a subpoena or certifying the need for a witness related to protected health care activity defined by § 32.1-378. Under § 18.2-434, perjury is a Class 5 felony.

This proposal expands the applicability of an existing Class 5 felony. 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. 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 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