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ORIGINAL

Bill Number:HB2657H1Patron:ThomasBill Title:Involuntary manslaughter; certain drug offenses.

Bill Summary: The substitute bill provides that any person who knowingly and intentionally manufactures, sells, or distributes 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. If such person proves that he gave or distributed a controlled substance that contains a detectable amount of fentanyl only as an accommodation to another individual who was not an inmate in a community correctional facility, local correctional facility, or state correctional facility, such person shall not be guilty of involuntary manslaughter but may be prosecuted for a violation of §§ 18.2-248(D) or 18.2-248(E3)

Budget Amendment Necessary: Yes		Items Impacted:	ltem 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:

Agency	<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

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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.

The proposal also specifies that if such person proves that he gave or distributed a controlled substance that contains a detectable amount of fentanyl only as an accommodation to another individual who was not an inmate, such person shall not be guilty of involuntary manslaughter but may be prosecuted for a violation of §§ 18.2-248(D) or 18.2-248(E3) (sale as accommodation of Schedule I/II drugs or III/IV drugs).

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.

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