

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

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