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

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Bill Number: HB2657S1 Patron: Thomas

**Bill 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 a minor person, is guilty of felony homicide 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 will not be guilty of felony homicide but may be guilty of a Class 5 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:**

<b>Agency</b>	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030
Dept. of		¢50,000				
Corrections		\$50,000				
TOTAL		\$50,000				

### **Fiscal Analysis:**

The proposal amends § 18.2-33 to expand the definition of felony homicide. Under the proposed § 18.233 (B), a person would be guilty of felony homicide if the felonious act resulting in the killing of a minor involved the manufacture, sale, gift, or distribution of a controlled substance that contains a detectable amount of fentanyl to another person who is a minor and (i) such minor's death results solely from the use of the controlled substance and (ii) the controlled substance is the proximate cause of his death. Felony homicide, constituting

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a second-degree murder, is punishable by imprisonment of 5 to 40 years. The proposal provides a reduced penalty (Class 5 felony) under certain conditions if the fentanyl was distributed only as an accommodation. The proposal also specifies that no person convicted pursuant to this proposed section for conduct described in § 18.2-33 (B) shall be subject to a prosecution for a violation of §§ 18.2-46.6 (D) or 18.2-248, 18.2-248.01, 18.2-250, or 18.2-256 for the same transaction or occurrence.

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; thus, this proposal could result in an increase in the need for state prison beds.

Due to the lack of data, the Virginia Criminal Sentencing Commission (VCSC) 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.

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

Other: None