

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

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