



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill 1272 Amendment in the Nature of Substitute (Patron prior to substitute - Jordan)

LD #: 25107394

Date: 02/13/2025

Topic: Use of unmanned aircraft system near prohibited locations

Fiscal Impact Summary:

<ul style="list-style-type: none"> • State Adult Correctional Facilities: \$50,000 * • Local Adult Correctional Facilities: Cannot be determined, likely to be small • Adult Community Corrections Programs: Cannot be determined, likely to be small 	<ul style="list-style-type: none"> • Juvenile Direct Care: Cannot be determined** • Juvenile Detention Facilities: Cannot be determined** <p>**Provided by the Department of Juvenile Justice</p>
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* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, fiscal impact statements prepared by the Virginia Criminal Sentencing Commission only include the estimated increase in operating costs associated with additional state-responsible prison beds and do not reflect any other costs or savings that may be associated with the proposed legislation.

Summary of Proposed Legislation:

The proposal amends § 18.2-121.3 to define a new Class 4 felony offense for any person who knowingly and intentionally, and without authorization, causes an unmanned aircraft system (drone) to enter the airspace over any public services or utilities or critical infrastructure, as defined in the bill.¹ Currently, under § 18.2-121.3(A), using a drone in violation of Federal Aviation Administration Special Security Instructions or UAS Security Sensitive Airspace Restrictions is a Class 1 misdemeanor. The proposal removes this language from subsection (A); however, many of these areas may be covered by the new Class 4 felony defined in subsection (B). As proposed, subsection (B) may also include sites not covered by the current Class 1 misdemeanor. The proposal provides exceptions for employees and others conducting official duties related to such sites.

Analysis:

According to the General District Court Case Management System (CMS) for fiscal year (FY) 2019 through FY2024, zero offenders were sentenced under the Class 1 misdemeanors that the current § 18.2-121.3 enumerates. Therefore, there is unlikely to be any significant impact if certain misdemeanor

¹ The proposed felony would be eligible for the enhanced sentence credits specified in § 53.1-202.3, whereby offenders will serve a minimum of 67% of the sentence ordered by the court.

violations are elevated to a Class 4 felony. The new Class 4 felony does not currently exist in the *Code of Virginia*, and there is insufficient data to determine how many new felony convictions may result from the proposal.

Between FY2019 and FY2024, there have been no convictions under § 18.2-46.5 for terrorism-related offenses.

Impact of Proposed Legislation:

State adult correctional facilities. Should it result in additional felony convictions, the proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. Available data are insufficient, however, to identify the number of defendants who may be convicted of the proposed felony or to estimate the number of new state-responsible sentences that may result from enactment of the proposal. Thus, the magnitude of the impact on prison bed space needs cannot be determined but the impact, if any, is likely to be small.

Local adult correctional facilities. Similarly, the proposal may increase local-responsible (jail) bed space needs. While the magnitude of the impact cannot be quantified, it is likely to be small.

Adult community corrections programs. Since the number of cases that may be affected cannot be determined, the potential impact on community corrections resources cannot be estimated. Any impact, however, is likely to be small.

Virginia’s Sentencing Guidelines. As a new felony, convictions for the proposed offense initially would not be covered by the Sentencing Guidelines as the primary (or most serious) offense. Such convictions, however, could augment the Guidelines recommendation as additional offenses if the most serious offense at sentencing is covered by the Guidelines. The proposed felony would not be defined as violent under § 17.1-805(C) for Guidelines purposes. No immediate adjustment to the Guidelines would be necessary under the proposal. If the proposal is enacted, the Sentencing Commission in the future may conduct analyses to determine the feasibility of adding the new felony to the Guidelines system.

Juvenile direct care. According to the Department of Juvenile Justice, the impact of the proposal on direct care (juvenile correctional center or alternative commitment placement) bed space needs cannot be determined.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal’s impact on the bed space needs of juvenile detention facilities cannot be determined.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2024, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.