

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

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ORIGINAL

Bill Number: SB1271ER **Patron:** Perry
Bill Title: Threats of death or bodily injury; penalty.

Bill Summary: The bill clarifies that for crimes involving communicating in writing a threat to kill or do bodily injury, an electronically transmitted communication producing a visual or electronic message includes an email, a text message, or a message or post on any social media platform. The bill clarifies that the crimes include threats to kill or do bodily harm to a person regardless of whether the person who is the object of the threat actually receives the threat, and the threat places such person who is the object of the threat, or any member of his family, in reasonable apprehension of death or bodily injury to himself or his family member

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:

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

Fiscal Analysis:

Currently, under § 18.2-60, communicating a threat to kill or do bodily injury in writing, including an electronically transmitted communication producing a visual or electronic message, to a person or a member of that person’s family is a Class 6 felony if it places the person in reasonable fear of death or bodily injury to themselves or a family member. The penalty is the same if the threat is made on school grounds, at a school event, or on a school bus, whether or not the object of the threat is aware of it, so long as the threat would put him in reasonable fear of death or harm. If a person 18 years of age or older communicates a threat with the intent to commit an act of terrorism, the penalty is increased to a Class 5 felony. If a person under the age of 18 commits such an offense, it is a Class 1 misdemeanor. An oral threat made to a health care worker who in the performance of his duties or a school employee is punishable as a Class 1 misdemeanor.

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The proposal expands the Class 6 felony defined in § 18.2-60(A), communicating a threat to kill or injure in writing, to include oral threats to kill or injure a person or a member of his family.

The proposal adds language to clarify that an electronically transmitted communication producing a visual or electronic message includes an email, a text message, or a message or post on any social media platform. The clarifying language applies to each of the four felonies and one Class 1 misdemeanor defined in this section.

Anyone convicted of a Class 6 felony is subject to a term of imprisonment of not less than one year nor more than five 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. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$5.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail and \$15.00 a day for each state-responsible prisoner. It also funds a considerable portion of the jails' operating costs, e.g., correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2024), the estimated total state support for local jails averaged \$56.38 per inmate, per day in FY 2023.

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

Other: Woodrum funding (\$50,000) for this bill is included in the Conference Report budget.