



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

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

**LD #:** 25108319

**Date:** 03/24/2025

**Topic:** Use of unmanned aircraft system near prohibited locations

**Fiscal Impact Summary:**

- **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

- **Juvenile Direct Care:**  
Cannot be determined\*\*
- **Juvenile Detention Facilities:**  
Cannot be determined\*\*

\*\*Provided by the Department of Juvenile Justice

\* 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, any critical infrastructure, as defined in the bill, or any facility, as defined in 46 U.S.C. § 70101, covered by the federal Maritime Transportation Security Act of 2002.<sup>1</sup> Certain exceptions are provided.

Currently, it is a Class 1 misdemeanor to knowingly and intentionally cause an unmanned aircraft system to (i) enter the property of another and come within 50 feet of a dwelling house (a) to coerce, intimidate, or harass another person or (b) after having been given actual notice to desist; (ii) take off or land in violation of current Federal Aviation Administration Special Security Instructions or UAS Security Sensitive Airspace Restrictions; or (iii) (a) drop any item within the boundaries of or (b) obtain any videographic or still image of inmate or resident at any state or local correctional facility or juvenile correctional center.

---

<sup>1</sup> 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.

---

**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. The proposed 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.**