



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill 99 (Patron—Ballard)

LD#: 26101127D

Date: 11/12/2025

Topic: Revised penalty structure for eluding police

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000 *
- **Local Adult Correctional Facilities:**
Cannot be determined
- **Adult Community Corrections Programs:**
Cannot be determined

- **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 725 of the Acts of Assembly of 2025 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 § 46.2-817, relating to the penalty for eluding the police when given a signal to pull over their motor vehicle. Currently, simple eluding is punishable as a Class 2 misdemeanor, while eluding that endangers a law-enforcement vehicle or a person is punishable as a Class 6 felony. The proposal adds a one-year mandatory minimum for the Class 6 felony offense in cases where law enforcement uses equipment, such as spike strips or a law enforcement vehicle, to stop the eluder's vehicle or in cases where the eluder's motor vehicle was used to intentionally damage a law enforcement vehicle.¹

Analysis:

A review of fiscal year (FY) 2024 and FY 2025 Sentencing Guidelines data revealed that 1,898 offenders were convicted of a Class 6 felony under § 46.2-817. In 1,224 of those cases, the felony served as the primary, or most serious, offense. Of those cases, 26.1% received probation, 31.8% were given a local-responsible (jail) sentence, while the remaining 42.2% were given a state-responsible (prison) sentence.

¹ Under current law, the felony offense defined in § 46.2-817 is 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. The proposed legislation does not change the earned sentence credits available to offenders convicted of these felonies.

Impact of Proposed Legislation:

State adult correctional facilities. By adding a one-year mandatory minimum to the statute's Class 6 felony under certain circumstances, the proposed legislation may increase the future state-responsible (prison) bed space needs of the Commonwealth. Unfortunately, existing databases do not provide sufficient detail to estimate the number of defendants who would be affected by the proposal. Therefore, the magnitude of the impact on prison bed space needs cannot be quantified.

Local adult correctional facilities. Similarly, the impact of the proposal on local-responsible (jail) bed space needs cannot be estimated.

Adult community corrections resources. Because the proposal could result in additional felony convictions with supervision requirements for the offenders, the proposal may affect adult community corrections programs. Since the number of cases that may be affected by the proposal cannot be determined, the potential impact on community corrections resources cannot be quantified.

Virginia's Sentencing Guidelines. The Class 6 felony under § 46.2-817 is currently covered by the Sentencing Guidelines as the primary, or most serious, offense. By adding a mandatory minimum, the guidelines recommendation could be affected by the inclusion of this felony as a primary or secondary offense. For Guidelines purposes, existing felonies under § 46.2-817 are not defined as violent (§ 17.1-805(C)). No adjustment to the Guidelines is necessary under the proposal.

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 725 of the Acts of Assembly of 2025 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.

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