



## Fiscal Impact Statement for Proposed Legislation

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### Virginia Criminal Sentencing Commission

#### House Bill 102 (Patron—Ballard)

LD#: 26101288D

Date: 11/12/2025

Topic: Changing the penalty structure of voluntary manslaughter

#### 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.

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#### Summary of Proposed Legislation:

The proposal amends § 18.2-35, reforming the penalty structure for voluntary manslaughter from its current Class 5 felony designation to an unclassified felony, punishable by not less than one year but up to twenty years in prison. Alternatively, the proposal also specifies that at the discretion of the jury or the court trying the case in a jury's absence, voluntary manslaughter can also be punished by a jail sentence of not more than 12 months and/or a fine of not more than \$2,500.<sup>1</sup>

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#### Analysis:

A review of FY2024-25 Sentencing Guidelines data revealed that 106 offenders were convicted of a Class 5 felony under §18.2-35 for voluntary manslaughter. This offense was the primary (or most serious) offense for 98 of those 106 offenders. Of those 98 offenders, 7.1% received probation, while 92.9% received a state-responsible (prison) sentence. The median prison sentence length was 8.5 years.

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<sup>1</sup> Under current law, a felony offense defined in § 18.2-35 is eligible for the enhanced sentence credits specified in § 53.1-202.3 for a first offense, requiring the individual to serve a minimum of 67% of the sentence imposed by the court. However, individuals convicted of a subsequent felony, as defined by statute, must serve a minimum of 85% of the imposed sentence. The proposed legislation does not alter the earned sentence credits available to offenders convicted under this section.

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** By increasing the penalty for an existing Class 5 felony to an unclassified felony with a maximum penalty of twenty years, the proposed legislation may increase the future state-responsible (prison) bed space needs of the Commonwealth. 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 sentences with additional 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 5 felony under § 18.2-35 is currently covered by the Sentencing Guidelines as the primary, or most serious, offense. By increasing the maximum penalty, the guidelines recommendation could be affected by the inclusion of this felony as a primary or secondary offense. For Guidelines purposes, the Class 5 felony under § 18.2-35 is 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.

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**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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