



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill 58 (Patrons— Krizek and Fowler)

LD#: 26100532

Date: 12/19/2025

Topic: Radon testing and mitigation

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, likely negligible**
- **Juvenile Detention Facilities:**
Cannot be determined, likely negligible**

**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 §§ 32.1-228.1, 54.1-300, 54.1-500, 54.1-500.1, 54.1-501, 54.1-503, 54.1-504.1, 54.1-512, 54.1-516, and 54.1-517 to transfer the oversight and licensure of people engaged in radon measurement and mitigation from the Board of Health, under Title 32.1, to the Virginia Board for Asbestos, Lead, and Home Inspectors, under Title 54.1.

Under current management by the Board of Health, the violation of provisions regulating professions engaged in radon mitigation carried a Class 1 misdemeanor as the penalty as prescribed by § 32.1-27. Transferring this oversight to a different governing body would alter this penalty; a first and second violation of radon regulations will still be subject to a Class 1 misdemeanor, but a third or subsequent violation will be punished as a Class 6 felony under § 54.1-517.

Analysis:

A review of the Fiscal Year (FY) 2020 through FY2025 Circuit Court and General District Court Case Management Systems (CMS) revealed that there were no convictions for either the Class 1 misdemeanor or Class 6 felony under §54.1-517, preventing any forecast of fiscal impact. There were six convictions for a Class 1 misdemeanor violation of § 32.1-27. All six convictions resulted in no incarceration.

Impact of Proposed Legislation:

State adult correctional facilities. By increasing the penalty for a third or subsequent violation from a

Class 1 misdemeanor to a Class 6 felony, 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 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 is not covered by the Sentencing Guidelines as the primary, or most serious, offense. Such a conviction, however, could augment the Guidelines recommendation (as an additional offense) if the most serious offense at sentencing is covered by the Guidelines. For Guidelines purposes, the new Class 6 felony would not be defined as violent (§ 17.1-805(C)). No adjustment to the Guidelines is necessary under the proposal.

Juvenile correctional centers. 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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