

**Department of Planning and Budget  
2026 General Assembly Session  
State Fiscal Impact Statement**

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## ORIGINAL

**Bill Number:** HB99 **Patron:** Ballard  
**Bill Title:** Felony eluding; mandatory minimum.

**Bill Summary:** Imposes a one year mandatory minimum term of confinement in a state correctional facility for any person convicted of felony eluding if evidence is presented at sentencing that (i) the law-enforcement officer or responding law-enforcement agency used equipment, including spike strips or a law-enforcement vehicle, to forcibly stop such person's motor vehicle or (ii) such person's motor vehicle was used to intentionally damage a law-enforcement vehicle.

**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:

## **Fiscal Analysis:**

This proposal amends § 46.2-817, relating to the penalty for people eluding the police when given a signal to pull over their motor vehicle. Currently, eluding that endangers a law-enforcement vehicle or person is a Class 6 felony. It establishes a mandatory minimum penalty of one-year in a state correctional facility for the Class 6 felony 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.

For someone convicted of a Class 6 felony, a judge has the option of sentencing the offender 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. By adding a one-year mandatory minimum to this statute's Class 6 felony under certain

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circumstances, the proposed legislation may increase the future state-responsible (prison) bed space needs of the Commonwealth.

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 misdemeanor 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 2025), the estimated total state support for local jails averaged \$58.25 per inmate, per day in FY 2024.

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 725, 2025 Acts of Assembly, requires that a minimum impact of \$50,000 be assigned to the bill.

**Other:** None