



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill 317 (Patron—Pope Adams)

LD#: 26104279D

Date: 12/10/2024

Topic: Damage public services or utilities

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 § 18.2-162 to expand the scope of the language prohibiting the vandalism of certain public utilities. Currently, the statute makes the intentional destruction of telegraph or telephone services a Class 4 felony. The proposal instead makes the intentional destruction of any communications service a Class 4 felony.¹ This change also applies to a Class 3 misdemeanor under the same statute, which applies when the damage to public utilities is less than \$1,000.

Analysis:

Existing databases do not provide sufficient detail to estimate the number of new convictions likely to result from enactment of the proposal. However, individuals convicted due to the proposal may be sentenced similarly to offenders convicted under current provisions. According to Circuit Court Case Management System (CMS) data for fiscal year (FY) 2020 to FY2025, five offenders were convicted of a Class 4 felony under § 18.2-162 for causing at least \$1,000 in damage to public utilities or services. In three of these cases, this was the primary, or most serious, offense in the sentencing event. Of these three sentencing events, one defendant received no incarceration, one defendant received a local-

¹ The proposed felony offense 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.

responsible (jail) sentence with a sentence of 6.0 months, and one defendant received a state-responsible (prison) sentence of 2.0 years.

General District Court Case Management System (CMS) data for FY2020 to FY2025 indicate that two offenders were convicted of a Class 3 misdemeanor under § 18.2-162 for causing less than \$1,000 in damages to a public utility or service. It was the most serious offense in one of the two cases, and this defendant received a sentence of no incarceration.

Impact of Proposed Legislation:

State adult correctional facilities. By expanding the applicability of the current statute for felonies defined in § 18.2-162, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. Available data do not provide sufficient detail to estimate the impact on sentencing that may result from enactment of the proposal; therefore, the magnitude of the impact on prison bed space needs cannot be determined.

Local adult correctional facilities. By expanding the application of the current statute for misdemeanor and felony offenses, the proposal may increase local-responsible (jail) bed space needs. Data are not sufficiently detailed to estimate the impact on sentencing and how many additional misdemeanor convictions may result if the proposal is enacted. Thus, the extent of the impact on jail beds cannot be quantified.

Adult community corrections programs. Because the proposal could result in convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase the need for community corrections resources. Since the number of cases that may be affected by the proposal cannot be determined, the potential impact on community corrections cannot be quantified.

Virginia's Sentencing Guidelines. Convictions under the existing § 18.2-162 are not covered by the Sentencing Guidelines when this is the primary (or most serious) offense at sentencing. Such a conviction could augment the Guidelines recommendation (as an additional offense) if the most serious offense at sentencing is covered by the Guidelines. Felony offenses in § 18.2-162 are defined as violent offenses in § 17.1-805(C) for the purposes of the Guidelines. 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 of the Code of Virginia, 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.