



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill 144 (Patron—McDougle)

LD #: 26101361

Date: 11/20/2025

Topic: Assault and battery on a judge

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 expands § 18.2-57 to add a judge of a general district court under temporary recall to the definition of a “judge” as it relates to the crime of assault and battery. This offense is a Class 1 misdemeanor that is enhanced to a Class 6 felony with a mandatory minimum term of confinement of six months if such judge is engaged in his public duties at the time of the offense.

Analysis:

Existing data sources do not contain sufficient detail to identify the number of individuals who would be affected by the proposal. However, individuals convicted of the expanded felony may be sentenced similarly to offenders convicted under existing provisions.

According to Sentencing Guidelines data for fiscal years (FY) 2024 and FY2025, 1,201 offenders were convicted of a Class 6 felony under § 18.2-57(C) for a simple assault on a law-enforcement officer, judge, firefighter, etc. This was the primary, or most serious, offense in 919 (76.5%) of the cases. Of these defendants, 156 (17.0%) did not receive any active term of incarceration, 505 (55.0%) received a local-responsible (jail) sentence with a median sentence of 7.0 months, and 258 (28.0%) received a state-responsible (prison) sentence with a median sentence of 1.5 years.

Impact of Proposed Legislation:

State adult correctional facilities. By expanding an existing felony offense, the proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. Available data are insufficient, however, to identify the additional number of defendants who may be convicted of the expanded felony or to estimate the number of new state-responsible sentences that may result from enactment of the proposal. Thus, the magnitude of the impact on prison bed space needs cannot be determined.

Local adult correctional facilities. Similarly, the proposal may increase local-responsible (jail) bed space needs, but the magnitude of the impact cannot be quantified.

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

Virginia's Sentencing Guidelines. Convictions for a simple assault on a law-enforcement officer, judge, firefighter, etc. under § 18.2-57(C) are covered by the Sentencing Guidelines as the primary (or most serious) offense. This offense is not defined as violent under § 17.1-805(C) for Guidelines purposes. No adjustment to the Guidelines would be 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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