



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill 685 (Patron— Zehr)

LD#: 26102328

Date: 12/30/2025

Topic: Perjury for people representing medical care facilities

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000 *
- **Local Adult Correctional Facilities:**
Cannot be determined, likely to be small
- **Adult Community Corrections Programs:**
Cannot be determined, likely to be small

- **Juvenile Correctional Centers:**
\$0 **
- **Juvenile Detention Facilities:**
\$0 **

** 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 adds § 32.1-127.1:06 to the *Code of Virginia* to bar medical care facilities from using genetic sequencers or any operational or research software related to genetic sequencing that are produced by a foreign adversary, as defined by the federal government. The proposal also bars these facilities from storing genetic sequencing data with a foreign adversary. Medical care facilities involved in genetic sequencing must annually certify their compliance with these restrictions under penalty of perjury. Under § 18.2-434, perjury is Class 5 felony.

The proposal also adds § 38.2-3407.15:9, which prohibits organ transplants when the procedure was performed in, or the organ was harvested from, countries which engage in forced organ harvesting, including China. A violation of this section carries no criminal penalties.

Analysis:

Existing data sources do not contain sufficient detail to identify the number of individuals who would be affected by the proposal. However, affected offenders may be sentenced similarly to those currently convicted of the Class 5 felony under the existing § 18.2-434.

According to data from the Circuit Court Case Management System (CMS) for Fiscal Year (FY) 2020 through FY2025, there were 20 convictions under § 18.2-434 for perjury related to written declarations.

This offense was the primary, or most serious, offense in 12 cases. Of these 12 cases, 7 offenders received no incarceration, while 3 received a local-responsible (jail) sentence and 2 received a state-responsible (prison) sentence. The median jail sentence was 3 months, while the two offenders sentenced to prison were given sentences of 1.5 years and 2.0 years.

Impact of Proposed Legislation:

State adult correctional facilities. By expanding the applicability of the penalty for perjury, 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 number of new felony convictions that may result from the proposal; therefore, the magnitude of the impact on prison bed space needs cannot be determined.

Local adult correctional facilities. Similarly, by expanding the applicability of an existing offense, the proposal may increase local-responsible (jail) bed space needs. Because the number of new convictions resulting from the proposal cannot be determined, the magnitude of the impact on jail beds 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. The Sentencing Guidelines do not currently cover perjury via written declaration under § 18.2-434 when such a felony is the primary (or most serious) offense. However, such convictions may augment the Guidelines recommendation (as additional offenses) if the most serious offense at sentencing is covered by the Guidelines. Perjury offenses outlined in § 18.2-434 are not defined as violent under § 17.1-805(C) for the purposes of the Guidelines. No adjustment to the Guidelines would be 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 is estimated to be \$0.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal's impact on the bed space needs of juvenile detention facilities is estimated to be \$0.

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.