



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill 1277 (Patron—Hamilton)

LD #: 26103298

Date: 12/10/2025

Topic: Aggravated murder and presumptive denial of bail

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
None (\$0)*
- **Local Adult Correctional Facilities:**
None (\$0)
- **Adult Community Corrections Programs:**
None (\$0)

- **Juvenile Direct Care:**
Cannot be determined **
- **Juvenile Detention Facilities:**
Cannot be determined **

** Provided by the Department of Juvenile Justice

* 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:

First, this proposal amends § 18.2-31 to add to the definition of aggravated murder the willful, deliberate, and premeditated killing of any person on or within a public transportation vehicle, as defined by § 18.2-160.2. Under current statute, this offense would be charged as a first-degree murder offense, which is a Class 2 felony. By elevating the offense to aggravated murder, the penalty is increased to a Class 1 felony.¹

In addition, the proposal creates a presumptive, rebuttable denial of bail for people charged with any act of violence (defined under § 19.2-297.1), an offense that occurs on or within a public transportation vehicle, an offense with a maximum penalty of life imprisonment, or any felony offense committed while on bail for a prior felony offense.

The proposal also adds that a person charged with an act of violence or convicted within the last 10 years of three or more offenses which are each a Class 1 misdemeanor or felony offense may only be granted pre-trial release on a secured bond. When such offenders *are* released on a secured bond, the judicial officer granting the release must provide a written explanation detailing the reasons why they determined release was warranted.

Analysis:

¹ Under current law, aggravated murder offenses under § 18.2-31 are ineligible for the enhanced sentence credits specified in § 53.1-202.3; therefore, individuals convicted of the proposed felony offenses will serve a minimum of 85% of the sentence ordered by the court.

According to Sentencing Guidelines data from fiscal years (FY) 2024 through 2025, there were 139 sentencing events in which first-degree murder under § 18.2-32 was the primary (most serious) offense at sentencing. All defendants received prison sentences, either life imprisonment or a term of years, with a median sentence of 43 years.

Impact of Proposed Legislation:

State adult correctional facilities. The proposed legislation is not expected to increase the state-responsible (prison) bed space needs of the Commonwealth during the six-year window specified by § 30-19.1:4 for legislative impact statements. All offenders convicted of completed first-degree murder as their primary offense received sentences in excess of six years from FY2024 through FY2025. Therefore, any potential increase in prison sentence length associated with the upgrade to aggravated murder would occur beyond the six-year forecast window required by § 30-19.1:4. The impact of the proposal on state-responsible bed space is thus estimated to be \$0.

Local adult correctional facilities. Although the imposition of a presumptive denial of bail may increase the need for local-responsible (jail) bed space for people denied bail, this analysis solely focuses on the impact of statutory changes on jail or prison bed space *after* conviction and sentencing has occurred. Because no individuals convicted of first-degree murder under § 18.2-32 received a jail term, the impact of this proposal on post-conviction, locally responsible (jail) bed space is estimated to be \$0.

Adult community corrections programs. The proposal will not affect community corrections programs.

Virginia's Sentencing Guidelines. Virginia's Sentencing Guidelines do not cover completed acts of aggravated murder defined in § 18.2-31, nor did they cover capital murder offenses prior to July 1, 2021. No adjustment to the Guidelines would be necessary under the proposal.

Juvenile direct care. According to the Department of Juvenile Justice (DJJ), 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 is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

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