



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### Senate Bill 631

(Patron— Srinivasan)

LD #: 26104673

Date: 01/12/2026

Topic: Callous disregard for human life

#### 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 adds § 18.2-51.1:1 to the *Code of Virginia* regarding acts of callous disregard for human life. The bill makes it a Class 1 misdemeanor for any person who commits a criminal act and whose conduct was so gross, wanton, or culpable as to indicate a callous disregard for human life, and for the probable consequences of his conduct. The proposal enhances the penalty to a Class 6 felony where such person knew or should have known that the consequences of such conduct would pose a greater risk to law enforcement or other first responders.

#### 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 proposed felony may be sentenced similarly to offenders convicted under existing provisions.

According to the Circuit Court Case Management System (CMS) for fiscal year (FY) 2024 and FY2025, one offender was convicted of one count of injury to property or persons during a riot, a Class 6 felony under § 18.2-414. This was an additional offense at sentencing; the offender was also convicted of one count of maliciously discharging a firearm or throwing a missile in/at an occupied building (his primary, or most serious, offense), and two counts of vandalizing property \$1,000 or more. The defendant was

sentenced to serve a local-responsible (jail) term of four months for these offenses, with the injury to property or persons conviction accounting for one month of effective time.

According to Sentencing Guidelines data for the same two-year period, eight offenders were convicted of causing non-malicious injury to law enforcement or other first responders, a Class 6 felony under § 18.2-51.1, as their primary offense at sentencing. Of these, one offender (12.5%) was sentenced to serve five months in jail, while another five offenders (62.5%) were sentenced to state-responsible (prison) terms, with a median sentence of two years. The remaining two offenders (25.0%) did not receive an active term of incarceration.

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** By creating a new felony offense, the proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. Available data are insufficient, however, to identify the number of defendants who may be convicted of the proposed 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.** As a new felony, convictions for the proposed offense initially would not be covered by the Sentencing Guidelines as the primary (or most serious) offense. Such convictions, however, could augment the Guidelines recommendation as additional offenses if the most serious offense at sentencing is covered by the Guidelines. The proposed felony would not be defined as violent under § 17.1-805(C) for Guidelines purposes. No immediate adjustment to the Guidelines would be necessary under the proposal. If the proposal is enacted, the Sentencing Commission in the future would conduct analyses to determine the feasibility of adding the new felony to the Guidelines system.

**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.

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**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.**