

**Department of Planning and Budget**  
**2026 General Assembly Session**  
**State Fiscal Impact Statement**

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PUBLISHED: 1/20/2026 5:21 PM

ORIGINAL

**Bill Number:** HB124

**Patron:** Reaser

**Bill Title:** Assault and battery; district court temporary recall judge; penalty.

**Bill Summary:** Adds a judge of a general district court under temporary recall to the definition of "judge" as it relates to the crime of assault and battery, which 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. This bill is a recommendation of the Committee on District Courts.

**Budget Amendment Necessary:** Yes

**Items Impacted:** Item 390

**Explanation:** See below

**Fiscal Summary:**

Proposal requires minimum "Woodrum" impact funding per § 30-19.1:4, Code of Virginia, to account for a possible increase in the need for state prison beds due to this legislation.

**General Fund Expenditure Impact:**

<u>Agency</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	<u>FY2031</u>
Dept. of Corrections		\$50,000				
<b>TOTAL</b>		<b>\$50,000</b>				

**Fiscal Analysis:**

Anyone convicted of a Class 6 felony is subject to a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both. This specific Class 6 felony has a mandatory minimum term of confinement of six months if such judge is engaged in his public duties at the time of the offense. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$5.00 a day for each misdemeanor or otherwise local-responsible prisoner held in a jail and \$15.00 a day for each state-responsible prisoner. It also funds a considerable portion of the jails' operating costs, e.g., correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report

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(November 2025), the estimated total state support for local jails averaged \$58.25 per inmate, per day in FY 2024.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 725, 2025 Acts of Assembly, requires that a minimum impact of \$50,000 be assigned to the bill.

**Other:** None