



## Fiscal Impact Statement for Proposed Legislation

### *Virginia Criminal Sentencing Commission*

#### **Senate Bill 794** (Patrons—Perry)

**LD #:** 26100646

**Date:** 11/05/2025

**Topic:** Virginia Health Care Protection Act

#### **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 establishes the Virginia Health Care Protection Act. The bill provides that no law-enforcement officer acting in the Commonwealth may investigate, arrest, or detain any person, seek the issuance of a warrant, or otherwise assist in any investigation involving protected health care activity, as defined in the bill. The bill provides that any subpoena under the Uniform Interstate Depositions and Discovery Act or any summons for a witness for another state in a criminal case shall include an attestation, made under penalty of perjury, stating whether the subpoena or summons seeks documents, information, or testimony related to protected health care activity.

Currently, under § 18.2-434, perjury related to written declarations is punishable as a Class 5 felony.<sup>1</sup>

#### **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.

<sup>1</sup> Perjury under § 18.2-434 is eligible for the enhanced sentence credits specified in § 53.1-202.3. Individuals convicted of this offense serve a minimum of 67% of the sentence ordered by the court.

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 during the six-year period. 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.

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** The proposal expands the applicability of an existing Class 5 felony perjury offense. The net effect on the number of convicted individuals and sentencing patterns cannot be estimated; therefore, the net impact of the proposal on state-responsible (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 determined.

**Adult community corrections programs.** Because the proposal could result in additional felony convictions with supervision requirements for the offenders, the proposal may affect adult community corrections resources. The potential impact on community corrections resources cannot be quantified.

**Virginia's Sentencing Guidelines.** A conviction under § 18.2-434 for falsely subscribing a written declaration is not covered by the Sentencing Guidelines when it is the primary, or most serious, offense in a case. Such a conviction, however, could augment the Guidelines recommendation (as an additional offense) 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 adjustment to the Guidelines is 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 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.**

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