



**Fiscal Impact Statement for Proposed Legislation**  
*Virginia Criminal Sentencing Commission*

**House Bill 1471**  
*(Patrons—Austin)*

**LD#:** 26104581

**Date:** 01/16/2026

**Topic:** Murder and assault of correctional officers and others

**Fiscal Impact Summary:**

<ul style="list-style-type: none"> <li>• <b>State Adult Correctional Facilities:</b> \$50,000 *</li> <li>• <b>Local Adult Correctional Facilities:</b> Cannot be determined</li> <li>• <b>Adult Community Corrections Programs:</b> Cannot be determined</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Juvenile Direct Care:</b> Cannot be determined**</li> <li>• <b>Juvenile Detention Facilities:</b> Cannot be determined**</li> </ul> <p style="text-align: center;">**Provided by the Department of Juvenile Justice</p>
---	---

\* 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 amends §§ 18.2-31, 18.2-51.1 and 18.2-57 relating to the murder and assault of correctional officers, Department of Juvenile Justice officers, and facility staff. The proposal would expand the crime of aggravated murder (§ 18.2-31) to include the willful, deliberate and premeditated killing of any person by an individual confined in a juvenile correctional facility or in the custody of a correctional officer. The maximum penalty for aggravated murder is life and any person who was 18 years of age or older at the time of the offense and who is sentenced to life imprisonment is not eligible for parole, earned sentence credits, or conditional release.

The proposal would also expand § 18.2-51.1, related to malicious wounding and unlawful wounding of law enforcement officers and other designated professionals, by adding correctional officers as defined in § 53.1-1. This proposal would increase the penalty for malicious wounding of a correctional officer from a felony punishable by 5-20 years to a felony punishable by 5-30 years; the new penalty would also require a mandatory minimum sentence of 2 years. The penalty for unlawful wounding of a correctional officer would remain a Class 6 felony but would require a one-year mandatory minimum sentence as a result of the proposal.<sup>1</sup>

<sup>1</sup> Unlawful wounding as defined in § 18.2-51.1 is eligible for the enhanced sentence credits specified in § 53.1-202.3 if the defendant does not have a prior conviction for any offense listed in § 53.1-202.3(A17)). With enhanced sentence credits, the offender will serve a minimum of 67% of the sentence ordered by the court. Unlawful wounding (§ 18.2-

Finally, under § 18.2-57(C), the proposal would create a mandatory minimum sentence of three years for assault and battery of a correctional officer or any employee of the Department of Corrections, local or regional jail, or Department of Juvenile Justice who is directly involved in the care, treatment, or supervision of persons in custody if such assault and battery involves the use of a bodily fluid or excrement. Currently, assault and battery of such persons (§ 18.2-57(C)) is a Class 6 felony requiring a six-month mandatory minimum term.<sup>2</sup>

---

**Analysis:**

Existing data sources are insufficient to identify the number of malicious wounding, unlawful wounding, and assaults committed against correctional officers and other staff specified by the proposal. Requested supplemental data has not been provided by the Department of the Corrections. Because a fiscal projection cannot be prepared, the Sentencing Commission instead provides sentencing information related to these offenses.

A review of Fiscal Year (FY) 2024 through FY2025 Sentencing Guidelines (SG) data revealed that 11 offenders were convicted of unlawful wounding (including inchoate offenses) under § 18.2-51.1. In eight of those cases, the unlawful wounding was the primary, or most serious, offense. Of these eight offenders, two received no incarceration, one received a local-responsible (jail) term of 5.0 months, and the remaining eight offenders were given a state-responsible (prison) term with a median sentence length of 2.0 years.

The same dataset showed 25 convictions for malicious wounding under § 18.2-51.1. In 21 of those cases, malicious wounding was the primary offense. Two of these offenders received no incarceration. Another two received local-responsible (jail) terms of 5.0 months and 6.0 months, and the remaining 17 offenders received a state-responsible (prison) term with a median sentence length of 4.5 years.

According to Fiscal Year (FY) 2024 and FY2025 Circuit Court Case Management System (CMS) data, 1,356 offenders were convicted of a Class 6 felony for assault or assault and battery of a law enforcement officer, correctional officer, firefighter, etc., under § 18.2-57(C). In 1,014 of the cases, the assault was the primary offense. Nearly two-thirds of the offenders (66.3%) received a local-responsible (jail) term for which the median sentence was 7.0 months. For the 31.0% of offenders who were given a state-responsible (prison) term, the median sentence length was 1.7 years. The remaining 2.7% did not receive an active term of incarceration to serve after sentencing and were likely sentenced to the time served by the defendant while awaiting trial.

---

**Impact of Proposed Legislation:**

**State adult correctional facilities.** By expanding the applicability of existing felonies and increasing penalties for certain offenses, the proposed legislation may increase the future state-responsible (prison) bed space needs of the Commonwealth. Available data do not provide sufficient detail to estimate the impact that may result from enactment of the proposal. Without additional data, the magnitude of the impact on prison bed space needs cannot be determined.

**Local adult correctional facilities.** Similarly, the impact of the proposal on local-responsible (jail) bed space needs cannot be quantified.

---

51.1) with a prior conviction for an offense listed in § 53.1-202.3(A17) is not eligible for enhanced sentence credits. Malicious wounding as defined in § 18.2-51.1 is also not eligible for enhanced sentence credits. Offenders ineligible for enhanced credits must serve a minimum of 85% of the sentence ordered by the court.

<sup>2</sup> Assault of a law enforcement officer, etc., under § 18.5-57(C) is eligible for the enhanced sentence credits specified in § 53.1-202.3. Individuals convicted of this offense will serve a minimum of 67% of the sentence ordered by the court.

**Adult community corrections programs.** The effect of the proposal on adult community corrections resources cannot be estimated.

**Virginia’s Sentencing Guidelines.** Malicious and unlawful wounding of law enforcement officers and protected professionals under §18.2-51.1 are covered by the Sentencing Guidelines. These offenses are defined as violent for Guidelines purposes (§ 17.1-805(C)). Assault and battery of law enforcement officers, etc., under § 18.2-57(C) is also covered by the Guidelines. That offense is not defined as violent for purposes of the Guidelines (§ 17.1-805(C)). No adjustment to the Guidelines is 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 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.**

corrofficer01\_4581