



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

**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:**

This proposal expands the applicability of a Class 1 felony. Anyone convicted of a Class 1 felony is subject to imprisonment for life and a fine of not more than \$100,000. Any person who was 18 years of age or older at the time of the offense and who is sentenced to imprisonment for life upon conviction of a Class 1 felony shall not be eligible for (i) parole, (ii) any good conduct allowance or any earned sentence credits under Chapter 6 (§ 53.1-186 et seq.) of Title 53.1, or (iii) conditional release pursuant to § 53.1-40.01 or 53.1-40.02. The proposal also expands § 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> 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. 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. Therefore, this proposal could result in an increase in the number of persons sentenced to prison

The Department of Juvenile Justice reports that the proposal's impact on the bed space needs of juvenile detention facilities cannot be determined.

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 periods of imprisonment in state adult correctional facilities 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