

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both. Anyone convicted of a third or subsequent Class 1 misdemeanor because of this new provision could be convicted of a Class 6 felony and be subject to a sentence of one to five years in prison, or up to 12 months in jail and a fine of not more than \$2,500, either or both. Therefore, the proposal may increase the number of individuals in jails and the future state-responsible (prison) bed space needs of the Commonwealth.

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

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 (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.

VCU Health, UVA Medical Center, and the Department of Behavioral Health and Developmental Services report that the notice posting requirements of this bill would not have a fiscal impact on hospital operations.

Other: Companion to SB173.