

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

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ORIGINAL

Bill Number: HB1277

Patron: Hamilton

Bill Title: Aggravated murder; admission to bail; rebuttable presumption against bail; magistrates.

Bill Summary: Creates a rebuttable presumption against bail for certain criminal offenses enumerated in the bill. The bill requires the court to consider certain factors when determining whether the presumption against bail has been rebutted and whether there are appropriate conditions of release. The bill also expands the information a judicial officer can consider for determining bail, including any involuntary admission or commitment order within the previous three years, and provides that any person arrested for a felony who (i) has never been convicted of a violent offense, as defined in § 19.2-297.1, but his current arrest is for a violent felony, or (ii) has been convicted within the previous 10 years of three or more offenses, provided that each such offense is a Class 1 misdemeanor or felony and that the defendant has been at liberty between such convictions, may be released only upon a secure bond. The bill requires the judicial officer to file written findings if he grants bail in certain instances. Additionally, the bill requires the chief magistrate to file a written order with the Executive Secretary of the Supreme Court if a magistrate is suspended that states the reasons for such suspension, including a failure to issue such written findings. Lastly, the bill also provides that the willful, deliberate, and premeditated killing of any person while such person is on or within a vehicle operated by a public transportation service, as defined in relevant law, is guilty of aggravated murder.

Budget Amendment Necessary: No

Items Impacted: None

Explanation: See below

Fiscal Summary:

This proposal does not require any “Woodrum” impact funding. The legislation is not expected to increase the need for state prison beds during the six-year window specified by § 30-19.1:4, Code of Virginia. According to the Office of the Executive Secretary (OES) of the Supreme Court of Virginia, there is no anticipated fiscal impact from the bill.

Fiscal Analysis:

First, this proposal amends § 18.2-31 to add to the definition of aggravated murder the willful, deliberate, and premeditated killing of any person on or within a public transportation vehicle, as defined by § 18.2160.2. Under current statute, this offense would be charged as a first-degree murder offense, which is a Class 2 felony. By elevating the offense to aggravated murder, the penalty is increased to a Class 1 felony. For Class 1 felonies, 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

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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 Virginia Criminal Sentencing Commission (VCSC) does not expect this legislation to increase the state responsible (prison) bed space needs of the Commonwealth during the six-year window specified by § 3019.1:4 for legislative impact statements. All offenders convicted of completed first-degree murder as their primary offense received sentences in excess of six years from FY2024 through FY2025. Therefore, any potential increase in prison sentence length associated with the upgrade to aggravated murder would occur beyond the six-year forecast window required by § 30-19.1:4. As such, The VCSC estimates a fiscal impact of \$0 for this proposal.

According to the Office of the Executive Secretary (OES) of the Supreme Court of Virginia, this proposal is not expected to have an impact on agency operations. Any unanticipated costs that may arise from the bill are expected to be covered with existing resources.

Other: None