



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill 670

Amendment in the Nature of a Substitute

(Patron prior to substitute – Salim)

LD #: 26106777

Date: 02/04/2026

Topic: Automated Driving Systems

Fiscal Impact Summary:

- **State Adult Correctional Facilities:**
\$50,000 *
- **Local Adult Correctional Facilities:**
Cannot be determined, likely to be small
- **Adult Community Corrections Programs:**
Cannot be determined, likely to be small

- **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 adds Chapter 14.2 to Title 46.2 to regulate Automated Driving Systems (ADS). It requires that autonomous vehicles possess a new kind of license from the Department of Motor Vehicles to operate in Virginia and sets other rules regarding insurance, geofencing, and more. It also prevents local governments from prohibiting the use of autonomous vehicles. Violation of any provisions set by the proposal result in a civil penalty.

Analysis:

Two parts of the proposal may have felony implications. First, the proposed § 46.2-1422 (B) requires that autonomous vehicles be titled and registered in accordance with the requirements of Chapter 6 of Title 46.2, which punishes the altering or forging of a vehicle registration or title as a Class 6 felony. However, based on the definition of “motor vehicle” contained in § 46.2-100, autonomous vehicles are already considered motor vehicles, meaning they already require a title and registration before they can be legally operated in Virginia. As a result, this section of the proposal ultimately lacks any new felony implications.

Second, § 46.1-1422(C) provides that when an automated driving system (ADS) is engaged, the ADS is deemed the driver or operator of the vehicle for purposes of compliance with traffic and motor vehicle laws. If a remote operator is actively controlling the vehicle, the remote operator is considered the driver. Under current law, however, it is unclear whether the passenger of an autonomous vehicle or the ADS

itself would be treated as the vehicle's operator for purposes of criminal liability. The proposal further requires that crashes involving fully autonomous vehicles be subject to the same reporting requirements set forth in Article II of Chapter 3. By expressly designating the ADS as the vehicle's operator and applying existing criminal provisions, the proposal may expose the ADS owner to criminal liability, potentially resulting in new felony convictions.

By designating the ADS as the operator of an autonomous vehicle, the proposal may make the ADS's owner criminally liable for crimes such as involuntary manslaughter and reckless driving. A review of Sentencing Guidelines data from Fiscal Year (FY) 2024 and FY2025 revealed 89 convictions of involuntary manslaughter under § 18.2-36, 81 of which served as the primary, or most serious, offense. In 21.0% of those 81 cases, the offender received no incarceration. In 13.6% of cases, the offender received a local-responsible (jail) sentence with a median length of 6.0 months. In the remaining 65.4% of cases, the offender received a state-responsible (prison) sentence with a median length of 4.0 years.

A review of General District Court Case Management System (CMS) data from FY2024 to FY2025 identified 2,162 convictions under § 46.2-852 for reckless driving, which was the primary offense in all cases. In 90.7% of cases the offender received no incarceration. In 9.3% of cases the offender received a jail sentence with a median length of approximately 1 week.

Impact of Proposed Legislation:

State adult correctional facilities. By clarifying the criminal liability for the violation of traffic laws to potentially include the owner of ADS software, the proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. Existing databases do not provide sufficient detail to estimate the number of new felony convictions that may result from enactment of the proposal.

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 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. The only felony directly cited in the proposal relates to altering or forging a vehicle's title or registration under § 46.2-605. This felony is not currently covered by the Sentencing Guidelines when the offense is the primary, or most serious, offense in a case. Such a conviction could augment the Guidelines recommendation (as an additional offense) if the most serious offense at sentencing is covered by the Guidelines. This offense is not defined as violent under § 17.1-805(C) for Guidelines purposes. No adjustment to the Guidelines would be necessary under the proposal.

Juvenile direct care. 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.

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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