



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill 1492 Amendment in the Nature of a Substitute (*Patron prior to substitute – Shin*)

LD #: 26107156

Date: 02/05/2026

Topic: Impersonating a law enforcement officer

Fiscal Impact Summary:

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

- **Juvenile Correctional Centers:**
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:

Currently, under § 18.2-174, the impersonation of any law enforcement officer is a Class 1 misdemeanor for a first offense and a Class 6 felony for any second or subsequent offense. The proposal amends § 18.2-174 to reclassify the impersonation of a federal law enforcement officer as a Class 6 felony for a first offense and a Class 5 felony for a second or subsequent offense. The proposal also adds that impersonating a federal law enforcement officer while wearing a facial covering is a Class 5 felony, and that a second or subsequent violation is a Class 4 felony.

Under the proposal, the punishment associated with impersonating a state or local law enforcement officer remains unchanged.¹

Analysis:

Existing data sources do not contain sufficient detail to identify the number of individuals who would be affected by the proposal. However, affected offenders may be sentenced similarly to those currently convicted of the Class 1 misdemeanor or the Class 6 felony under the existing § 18.2-174.

According to General District Court Case Management System (CMS) data for Fiscal Year (FY) 2024 through FY2025, there were 110 Class 1 misdemeanor convictions for violations of § 18.2-174. In all but

¹ Under current law, felony offenses defined in § 18.2-174 are eligible for the enhanced sentence credits specified in § 53.1-202.3, whereby offenders will serve a minimum of 67% of the sentence ordered by the court. The proposed legislation does not change the earned sentence credits available to offenders convicted of these felonies.

one case, this conviction was the primary, or most serious, offense. Of these 109 offenders, 56.9% received no incarceration, while 43.1% received a local-responsible (jail) sentence. The median sentence length for those who were incarcerated was 2 months.

According to Circuit Court CMS data for the same six-year period, there were nine Class 6 felony convictions for a second or subsequent offense under § 18.2-174. This crime was the primary, or most serious, offense in eight cases. Of those eight offender offenders, one was given a local-responsible (jail) sentence of 5 months, while three were sentenced to a state-responsible (prison) sentence, of which the median length was 1 year.

Impact of Proposed Legislation:

State adult correctional facilities. By upgrading the punishment for impersonating a federal law enforcement officer, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. Available information is insufficient to estimate the number of new felony convictions that may result from enactment of the proposal. Although the magnitude of the impact on prison beds cannot be quantified, the impact, if any, is likely to be small.

Local adult correctional facilities. Similarly, the proposal may increase local-responsible (jail) bed space needs, but the magnitude of the impact cannot be determined. The impact, if any, is likely to be small.

Adult community corrections resources. Because the proposal could result in additional convictions with supervision requirements for the offenders, the proposal may affect adult community corrections resources. While the potential impact on community corrections resources cannot be quantified, any impact is likely to be small.

Virginia's Sentencing Guidelines. Convictions under § 18.2-174 are not covered by the Sentencing Guidelines as the primary, or most serious, offense. Such convictions, however, may augment the Guidelines recommendation (as additional offenses) if the most serious offense at sentencing is covered by the Guidelines. These felonies are not defined as violent by § 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