

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

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ORIGINAL

Bill Number: HB1492H1 **Patron:** Shin
Bill Title: Impersonating federal law-enforcement officer; penalties.

Bill Summary: The substitute bill increases from a Class 1 misdemeanor to a Class 6 felony the penalty for impersonating a federal law-enforcement officer and increases the penalty for a second or subsequent violation from a Class 6 felony to a Class 5 felony. The substitute bill adds that any person who impersonates a federal law-enforcement officer while wearing a facial covering is guilty of a Class 5 felony. A second or subsequent violation while wearing a facial covering is a Class 4 felony. Additionally, the bill adds a definition of “facial covering”

Budget Amendment Necessary: Yes
Explanation: See below

Items Impacted: Item 390

Fiscal Summary:

Proposal requires minimum “Woodrum” impact funding per § 30-19.1:4, Code of Virginia, to account for a possible increase in the need for state prison beds due to this legislation.

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 | | | | |
| TOTAL | | \$50,000 | | | | |

Fiscal Analysis:

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 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. Anyone convicted of a Class 5 felony is subject to a term of imprisonment of not less than one year nor more than 10 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. Anyone convicted of a Class 4 felony is subject to a term of imprisonment of not less than two years nor more than 10 years and a fine of not more than \$100,000. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

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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.

Other: None