



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill 673

Amendment in the Nature of a Substitute (Patron Prior to Substitute- Mulchi)

LD#: 26107494

Date: 02/09/2026

Topic: Cyberstalking

Fiscal Impact Summary:

<ul style="list-style-type: none"> • State Adult Correctional Facilities: \$50,000 * • Local Adult Correctional Facilities: Cannot be determined • Adult Community Corrections Programs: Cannot be determined 	<ul style="list-style-type: none"> • Juvenile Direct Care: Cannot be determined ** • Juvenile Detention Facilities: Cannot be determined ** <p>**Provided by the Department of Juvenile Justice</p>
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* 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 § 18.2-60.6, related to cyberstalking, to the *Code of Virginia*. Currently, under § 18.2-60.3, it is a Class 1 misdemeanor to engage in conduct, including the use of electronically transmitted communication, that is intended to instill in the victim the fear of death, sexual assault, or bodily injury to that person or to their family or household member. The penalty for a second conviction for stalking within five years is a Class 6 felony.¹

The proposed § 18.2-60.6 would make it a Class 1 misdemeanor for any person who on two or more occasions within a 90-day period engages in cyberstalking by sending an electronically transmitted communication directed at another person with the intent to create substantial emotional distress or the reasonable fear of death, sexual assault, or bodily injury to that person or to their family or household member or intimate partner.

Further, the proposal adds that if a person has actual knowledge of the issuance of a protective order and assaults any party protected by that order, resulting in bodily injury, or stalks such protected party, then the person is guilty of a Class 6 felony. Furtively entering the occupied home of a protected party is also a

¹ Under current law, the felony offense defined in § 18.2-60.3 is ineligible for the enhanced sentence credits specified in § 53.1-202.3. Individuals convicted of a felony under this section must serve a minimum of 85% of the sentence ordered by the court. However, individuals convicted under the proposed § 18.2-60.6 would be 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.

Class 6 felony. These felonies don't apply when the protective order is issued under §§ 18.2-60.3(D) or 19.2-152.10(C).

The proposed language clarifies that the term "electronically transmitted communication" includes (i) communication by telephone, computer, or other electronic device, and (ii) the use or monitoring of location services on an application or device to remotely determine or track the position and movement of another person. It also clarifies that the provisions apply even if the person being tracked had previously given consent for the accused to use or monitor such location services.

Analysis:

General District Court Case Management System (CMS) data for Fiscal Year (FY) 2024 and FY2025 indicate that 202 offenders were convicted of a misdemeanor for stalking in violation of § 18.2-60.3. Of these offenders, 60.9% were given a local-responsible (jail) term for which the median sentence was 2.5 months. The remaining offenders did not receive an active term of incarceration to serve after sentencing.

Juvenile and Domestic Relations (JDR) Court CMS data for the same two-year period indicate that 122 offenders were convicted of a misdemeanor under § 18.2-60.3 for stalking. The majority (63.1%) of these offenders were sentenced to a local-responsible (jail) term. The median sentence in these cases was 3.0 months.

According to Circuit Court CMS data for FY2024 and FY2025, eight offenders were convicted of a Class 6 felony under § 18.2-60.3(B) as the primary, or most serious, offense. Of these, two offenders (25.0%) received local-responsible (jail) sentences of, respectively, 15 days and four months, while another five offenders (62.5%) received state-responsible (prison) terms with a median sentence of one year. The remaining offender (12.5%) was not given an active term of incarceration to serve.

According to that same dataset, there were 20 offenders convicted of a Class 6 felony under § 18.2-60.4 for assault with injury, stalking, or entering the victim's home when the victim has a protective order against the offender. Of those 20 cases, one of these felonies was the primary offense in 13 cases. Of those 13 cases, one person (7.7%) received no incarceration. Another 6 people received a jail sentence with a median length of 2.0 months, while the remaining 6 received a prison sentence with a median length of approximately 2.0 years.

Impact of Proposed Legislation:

State adult correctional facilities. By adding two new Class 6 felonies, the proposal may result in additional felony convictions. In this way, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. However, existing data do not provide sufficient detail to estimate the number of offenders who would be convicted of a felony due to the proposal. Therefore, the impact on prison bed space needs cannot be quantified.

Local adult correctional facilities. Similarly, the proposal may increase local-responsible (jail) bed space needs. Because the number of new convictions resulting from the proposal cannot be determined, the impact on jail bed space needs cannot be estimated.

Adult community corrections resources. Because the proposal could result in felony convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase the need for state community corrections resources. Since the number of cases that may be affected by the proposal cannot be determined, the potential impact on community corrections cannot be quantified.

Virginia's Sentencing Guidelines. Convictions under the proposed § 18.2-60.6 would not be covered by the Sentencing Guidelines when the offense is the primary, or most serious, offense in a case. Such

convictions, however, could augment the Guidelines recommendation (as additional offenses) if the most serious offense at sentencing is covered by the Guidelines. No adjustment to the Guidelines would be necessary under the proposal.

Juvenile correctional centers. According to the Department of Juvenile Justice (DJJ), the impact of the proposal on juvenile correctional center 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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