

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

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ORIGINAL

Bill Number: HB1414 EH1

Patron: McQuinn

Bill Title: Children; certain injuries to children be reported by physicians, etc.; penalties for failure to report.

Bill Summary: As engrossed/substituted, creates a Class 1 misdemeanor for any person required to file a report, pursuant to relevant law, who fails to do so as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect where such reportable offense is alleged to have occurred at a private or state-operated hospital, institution, or facility to which children have been committed or where children have been placed for care and treatment. The bill also provides that a second or subsequent violation is a Class 6 felony.

Under current law, any persons failing to file a report as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense of child abuse and neglect are (i) subject to a fine of not more than \$500 for the first failure and not less than \$1,000 for any subsequent failure or (ii) guilty of a Class 1 misdemeanor if the reportable offense is completed or attempted rape, sodomy, aggravated sexual battery, or object sexual penetration. As engrossed/substituted, the bill maintains these penalties for persons failing to report offenses that occur outside of a private or state-operated hospital, institution, or facility as defined in the bill.

As engrossed/substituted, the bill also clarifies that such reporting requirement is imposed upon any person in charge of a hospital, institution, or facility to which children have been committed or where children have been placed who has been informed by any previously enumerated mandatory reporter of a reason to suspect that a child is an abused or neglected child.

Budget Amendment Necessary: Yes

Items Impacted: Item 390

Explanation: The Department of Corrections (DOC) will require additional general fund appropriation to account for the minimum “Woodrum” impact funding pursuant to § 30-19.1:4, Code of Virginia, attributable to Item 390 (Administrative and Support Services).

Fiscal Summary: It is expected that any impacts to the Department of Social Services (DSS) and local departments of social services (LDSS) will be minimal and absorbable within existing resources. This bill creates a Class 1 misdemeanor; accordingly, any fiscal impacts related to an increase in jail population are indeterminate and any revenue impacts to the Literary Fund associated with the collection of fines are also indeterminate. This legislation is expected to require 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 the creation of a Class 6 felony. See table and fiscal analysis below.

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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>
DOC (799)	-	\$50,000	-	-	-	-
TOTAL	-	\$50,000	-	-	-	-

Fiscal Analysis: As engrossed/substituted, this bill expands the list of persons with mandatory reporting capacities to include any person in charge of a hospital, institution, or facility to which children have been committed or where children have been placed who has been informed by any previously enumerated mandatory reporter of a reason to suspect that a child is an abused or neglected child. Current law provides that any professional staff person employed by a private or state-operated hospital, institution, or facility to which children have been committed or where children have been placed for care and treatment must make such reports.

The bill stipulates that any person who is required to file a report who fails to do so as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect that is alleged to have occurred at a private or state-operated hospital, institution, or facility where children have been committed or placed for care is guilty of a Class 1 misdemeanor. The bill provides that a second or subsequent violation of such reporting requirement is a Class 6 felony.

The Department of Social Services (DSS) expects that the requirements of the legislation to require persons in charge of a hospital, institution, or facility who are informed by another mandatory reporter of a reason to suspect that a child is an abused or neglected child to also report such suspicion will have a minimal impact on DSS and/or local departments of social services (LDSS) that can be absorbed with existing resources. DSS reports that in FY 2025, medical providers submitted 7,284 reports of suspected child abuse and neglect; further, only 11 reports made in a hospital setting resulted in valid out-of-family investigations. The agency expects that any workload or cost increases associated with increased reports of child abuse or neglect resulting from this legislation will be minimal and absorbable within existing resources. Further, DSS expects that any costs associated with the provision of trainings or resource documents to such professionals will be minimal and absorbable within existing resources.

This legislation establishes a Class 1 misdemeanor for an initial violation of the provisions of the bill and a Class 6 felony for second and subsequent violations.

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. For someone convicted of a Class 6 felony, a judge has the option of sentencing the offender 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. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

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

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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.

Proceeds of all fines and penalties collected for offenses committed against the Commonwealth are paid into the state treasury to the credit of the Literary Fund. Any revenue impacts to the Literary Fund resulting from fines collected pursuant to this legislation are indeterminate.

Other: n/a