



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

Senate Bill 673

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

LD#: 26108651

Date: 03/02/2026

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 amends § 18.2-60.3 of the Code of Virginia to clarify that stalking conducted through electronically transmitted communications, commonly referred to as cyberstalking, is prohibited, and to expand the statute to include stalking of an intimate partner.

Under the current statute, stalking is a Class 1 misdemeanor when a person engages in conduct, including the use of electronically transmitted communications, with the intent to place the victim in reasonable fear of death, sexual assault, or bodily injury to themselves or a family or household member. A second stalking conviction within five years is punishable as a Class 6 felony.

The proposed amendment adds definitions for “electronically transmitted communication” and “intimate partner,” while continuing to rely on the existing definition of “family or household member” set forth in § 16.1-228. The amendment clarifies that “electronically transmitted communication” includes communications made by telephone, computer, or other electronic device. The penalty structure remains unchanged: a violation constitutes a Class 1 misdemeanor, and a second offense within five years constitutes a Class 6 felony.

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 expanding the application of a current Class 6 felony, 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 § 18.2-60.3 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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