



Fiscal Impact Statement for Proposed Legislation

Virginia Criminal Sentencing Commission

House Bill 1414 Amendment in the Nature of a Substitute (Patron prior to substitute — McQuinn)

LD#: 26106738

Date: 02/13/2026

Topic: Mandatory reporting of the mistreatment of children

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: None (\$0)** • Juvenile Detention Facilities: None (\$0)** <p style="text-align: center;">** 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:

Currently, under § 63.2-1509, any person with a duty to report suspicions of child mistreatment and who fails to do so incurs a \$500 fine for the first offense and a \$1,000 for any second or subsequent offense. They are also guilty of a Class 1 misdemeanor if they suspect that the nature of the mistreatment qualifies as rape, sodomy, aggravated sexual battery, or object sexual penetration.

The proposal amends § 63.2-1509 to add that when a mandatory reporter suspects that the mistreatment of children has taken place in *either* a hospital or other place where children are placed for care and treatment *or* any organization responsible for the care, custody, or control of children, and the mandatory reporter fails to report this suspicion, they are guilty of a Class 1 misdemeanor. A second or subsequent violation of this proposed subsection would make the offender guilty of a Class 6 felony. Under the proposal, the current penalty structure would remain in force when the mistreatment is suspected to have occurred outside the specific areas included in the proposal. The proposal also clarifies that its new provisions should not be construed to impose new penalties on any teacher or other person employed in a school, kindergarten, or child day program.

The proposal adds that hospital administrators and chief executive officers of organizations responsible for the care, custody, or control of children qualify as mandatory reporters.

Analysis:

Existing data sources do not contain sufficient detail to identify the number of individuals who would be affected by the proposal. Unfortunately, neither can the current Class 1 misdemeanor under § 63.2-1509 be used to project sentencing behavior for the proposed misdemeanor or felony. A review of Fiscal Year (FY) 2020 through FY2025 General District Court Case Management System (CMS) data revealed zero convictions under § 63.2-1509.

Impact of Proposed Legislation:

State adult correctional facilities. By creating a new felony, the proposal may increase the future state-responsible (prison) bed space needs of the Commonwealth. The number of additional felony convictions that may result from the proposal cannot be estimated; therefore, the magnitude of the impact on prison bed space needs cannot be determined.

Local adult correctional facilities. Similarly, the proposal may increase local-responsible (jail) bed space needs; however, the magnitude of the impact cannot be determined.

Adult community corrections programs. Because the proposal could result in felony convictions and subsequent supervision requirements for additional offenders, the proposal may increase the need for adult community corrections resources. The potential impact on community corrections programs cannot be determined.

Virginia’s Sentencing Guidelines. The proposed felony would not be covered by the Sentencing Guidelines as the primary (most serious) offense. Such convictions, however, could augment the Guidelines recommendation if the most serious offense at sentencing is covered by the guidelines. Felony offenses in § 18.2-370.2 are not defined as violent under § 17.1-805(C) for the purposes of the Guidelines. No adjustment to the Guidelines would be necessary under the proposal.

Juvenile direct care. According to the Department of Juvenile Justice (DJJ), the proposal is not expected to increase direct care (juvenile correctional center or alternative commitment placement) bed space needs.

Juvenile detention facilities. The Department of Juvenile Justice reports that the proposal is not expected to increase the bed space needs of juvenile detention facilities.

Pursuant to § 30-19.1:4 of the Code of Virginia, 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 is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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