

Racial and Ethnic Impact Statement

2026 General Assembly Session

Bill number: HB 863 (Introduced); Elimination of mandatory minimum sentences for certain offenses

Review requested by: Chairman Hope; House Committee for Courts of Justice

Date: March 6, 2026

JLARC Staff Assessment of Potential for Disproportionate Impact

HB 863 would eliminate the mandatory minimum terms of confinement for certain offenses and the prohibition on a suspended sentence for several offenses.

JLARC staff estimate that HB 863 would have disproportionate racial impacts, but that the disproportionality depends on the offense category. Black persons are disproportionately affected across most categories—including drug, DWI, assault, firearm, license revocation, and protective order violation offenses—because individuals convicted of these offenses are more likely to be Black relative to their share of Virginia’s adult population. In contrast, individuals convicted of sex offenses are slightly more likely to be white relative to the proportion of white persons in Virginia’s adult population. Racial disparities remain even when individuals are originally charged with an offense covered by HB 863 but later convicted of a lesser offense not covered by the bill. These lower-level convictions are often the result of the original charge being reduced during a plea bargain.

An explanation of the JLARC staff review is included on the pages that follow.

Bill summary

HB 863 would eliminate the mandatory minimum sentences for nearly 300 offenses, including offenses related to drug crimes, sex crimes, and driving while intoxicated (DWI). HB 863 would also eliminate the prohibition on suspended sentences for several offenses, including using a firearm when committing a felony, offenses related to forcible sodomy, and offenses related to controlled substances.

Impact on aggregate criminal justice outcomes

By eliminating mandatory minimum sentence requirements for certain offenses, HB 863 could reduce the sentence length for some defendants convicted of those offenses. In some cases, defendants could end up serving a shorter confinement period than the existing mandatory minimum or not receive a confinement period at all. (Defendants receiving a sentence length longer than the mandatory minimum would not be directly affected by the bill.) HB 863 would also allow defendants to receive a suspended sentence, and therefore not receive a confinement period, for several offenses for which this is currently prohibited.

HB 863 could also reduce the number of defendants pleading guilty to a lesser offense to avoid the mandatory minimum sentence associated with the original offense. Without this risk, fewer defendants may be willing to accept plea bargains for lesser charges, resulting in fewer overall convictions.

Evidence of Differential Impacts on Racial or Ethnic Subgroups

To estimate the potential for disproportionate racial impacts under HB 863, JLARC staff compared Virginia's general population demographics to the racial composition of two groups:

1. Individuals convicted of offenses where HB 863 would eliminate mandatory minimums or suspended sentence prohibitions, by offense category. The offense categories are drug, sex, DWI, assault, firearm, license revocation, and protective order violation.
2. Individuals originally charged with a covered offense but ultimately convicted of a lesser offense not affected by the bill.

An appendix compares the racial composition of Virginia's population to the racial composition of individuals convicted of the offenses covered under HB 863 by charge. (See appendix for additional details.)

The racial impacts of HB 863 vary by offense category, but Black persons are disproportionately affected across most offense categories because individuals convicted of the offenses covered by HB 863 are more likely to be Black relative to the proportion of Black persons in Virginia's general population. Individuals convicted of drug, DWI, assault, firearm, license revocation, and protective order violation offenses are more likely to be Black relative to the proportion of Black persons in Virginia's adult population. Individuals convicted of sex offenses are slightly more likely to be white relative to the proportion of white persons in Virginia's adult population. Similar disproportionality levels hold when assessing the racial compositions of individuals charged with an offense covered by HB 863 but ultimately convicted of a lesser offense not subject to the bill.

HB 863's differential impacts on racial or ethnic subgroups would vary based on offense category; HB 863 would disproportionately impact Black persons convicted of drug, DWI, assault, firearm, license revocation, and protective order violation offenses and disproportionately impact white persons convicted of sex offenses by a slight amount.

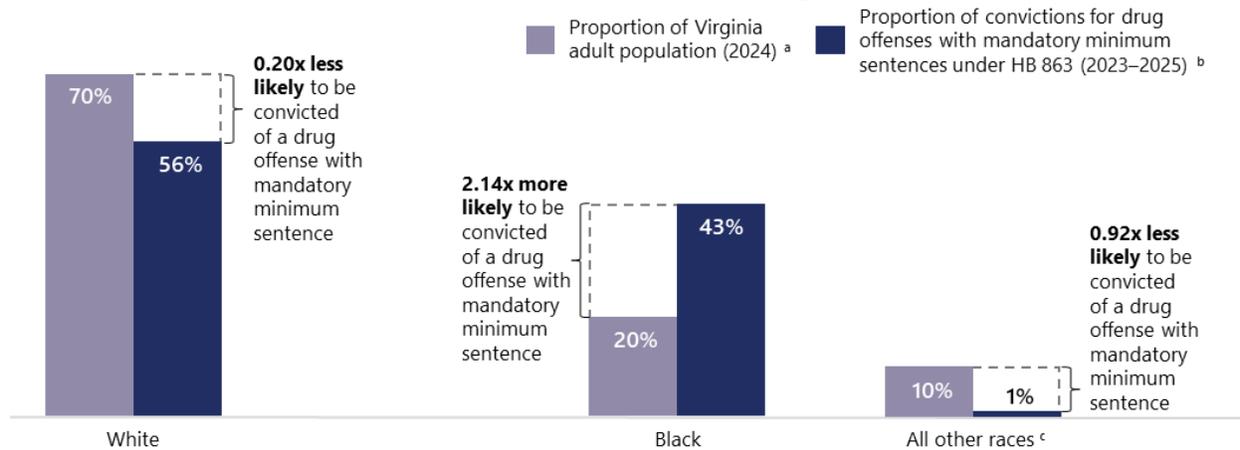
The differential impacts of HB 863 on racial or ethnic subgroups would vary based on the offense category. Including 2023–2025 cases in circuit, general district, and juvenile and domestic relations court, individuals convicted of drug, DWI, assault, firearm, license revocation, and protective order violation offenses covered by HB 863 are 1.4 to 3.3 times more likely to be Black relative to Black individuals' proportion of Virginia's adult population. Black individuals accounted for 29.2 to 67.6 percent of individuals convicted of these offenses, but only 20.2 percent of Virginia adults (Figures 1-1, 1-3, 1-4, 1-5, 1-6, and 1-7).

Conversely, individuals convicted of sex offenses covered by HB 863 are 1.1 times more likely to be white relative to white individuals' proportion of Virginia's adult population. White individuals accounted for 74.3 percent of individuals convicted of sex offenses from 2023–2025, but only 69.6 percent of Virginia adults (Figure 1-2).

These analyses suggest that Black individuals convicted of drug, DWI, assault, firearm, license revocation, and protective order violation offenses and white individuals convicted of sex offenses would be disproportionately affected by repealing the mandatory minimum sentences and prohibition of suspended sentences for the offenses covered by HB 863.

FIGURE 1-1

Individuals convicted of a drug offense covered by HB 863 are 2.1 times more likely to be Black relative to Black individuals' proportion of Virginia's adult population

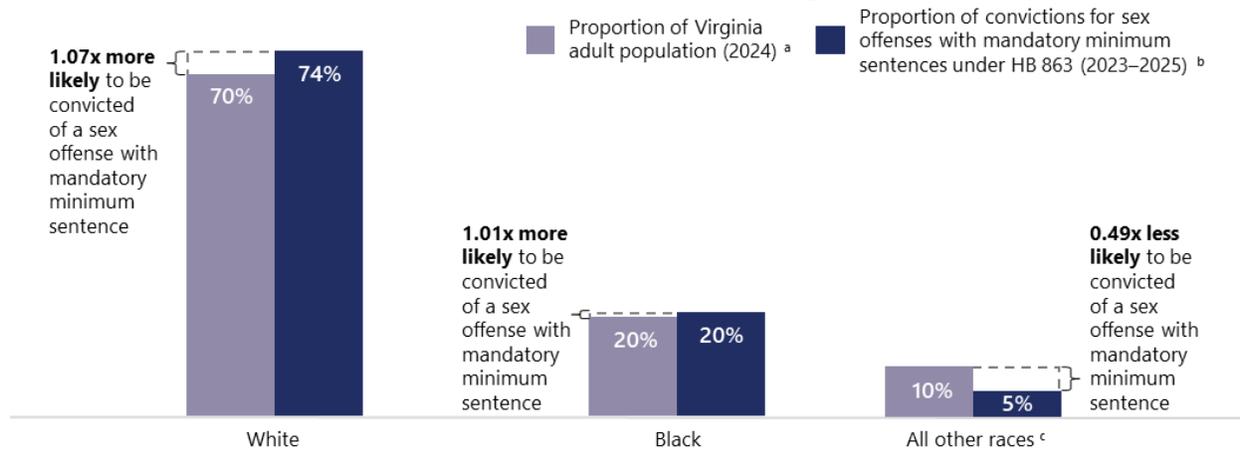


SOURCE: JLARC staff analysis of circuit court data from the Office of the Executive Secretary of the Virginia Supreme Court and Fairfax Circuit Court.

NOTE: Includes all relevant drug-related offenses in HB 863, totaling 966 convictions. For full list of disproportionality ratios by offense, see appendix. ^a Population data from Virginia 2024 Census estimates of adult population. ^b OES data includes cases with file dates between December 17, 2022, and December 17, 2025. Fairfax Circuit Court data includes cases with file dates between January 1, 2022, and December 31, 2024. ^c American Indian or Alaskan Native, Asian or Pacific Islander, Hispanic, and other/unknown race in circuit court data.

FIGURE 1-2

Individuals convicted of a sex offense covered by HB 863 are 1.1 times more likely to be white relative to white individuals' proportion of Virginia's adult population

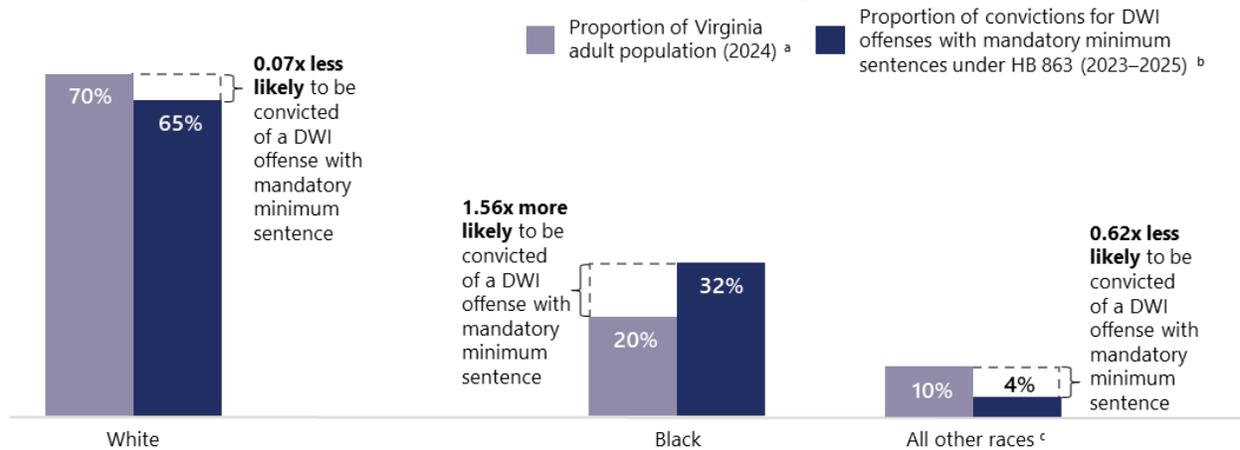


SOURCE: JLARC staff analysis of general district, juvenile and domestic relations, and circuit court data from the Office of the Executive Secretary of the Virginia Supreme Court and Fairfax Circuit Court.

NOTE: Percentages may not sum because of rounding. Includes all relevant sex offenses in HB 863, totaling 2,530 convictions. For full list of disproportionality ratios by offense, see appendix. ^a Population data from Virginia 2024 Census estimates of adult population. ^b OES data includes cases with file dates between December 17, 2022, and December 17, 2025. Fairfax Circuit Court data includes cases with file dates between January 1, 2022, and December 31, 2024. ^c American Indian or Alaskan Native, Asian or Pacific Islander, Hispanic, and other/unknown race in general district, juvenile and domestic relations, and circuit court data.

FIGURE 1-3

Individuals convicted of a DWI offense covered by HB 863 are 1.6 times more likely to be Black relative to Black individuals' proportion of Virginia's adult population

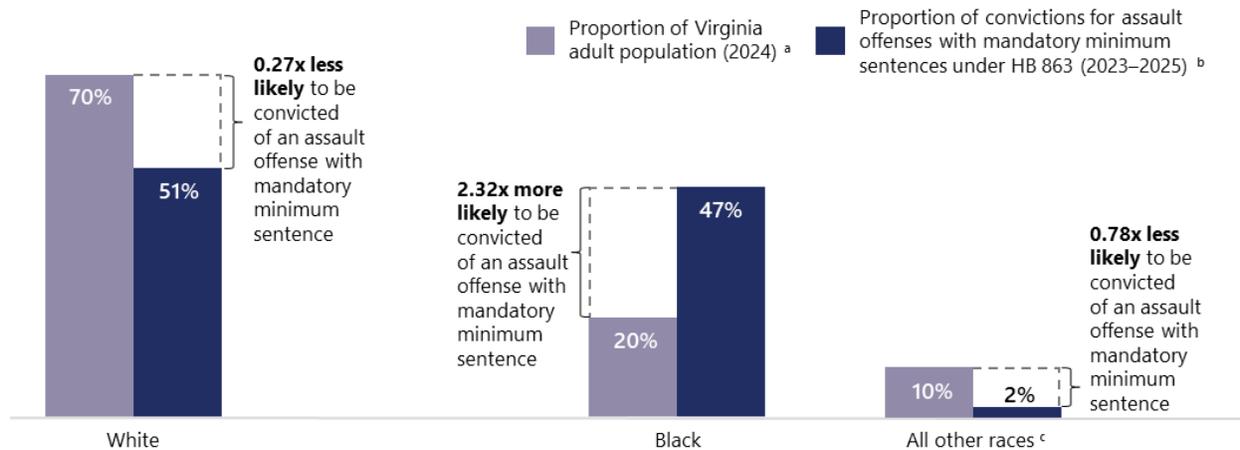


SOURCE: JLARC staff analysis of general district, juvenile and domestic relations, and circuit court data from the Office of the Executive Secretary of the Virginia Supreme Court and Fairfax Circuit Court.

NOTE: Percentages may not sum because of rounding. Includes all relevant DWI offenses in HB 863, totaling 12,703 convictions. For full list of disproportionality ratios by offense, see appendix. ^a Population data from Virginia 2024 Census estimates of adult population. ^b OES data includes cases with file dates between December 17, 2022, and December 17, 2025. Fairfax Circuit Court data includes cases with file dates between January 1, 2022, and December 31, 2024. ^c American Indian or Alaskan Native, Asian or Pacific Islander, Hispanic, and other/unknown race in general district, juvenile and domestic relations, and circuit court data.

FIGURE 1-4

Individuals convicted of an assault offense covered by HB 863 are 2.3 times more likely to be Black relative to Black individuals' proportion of Virginia's adult population

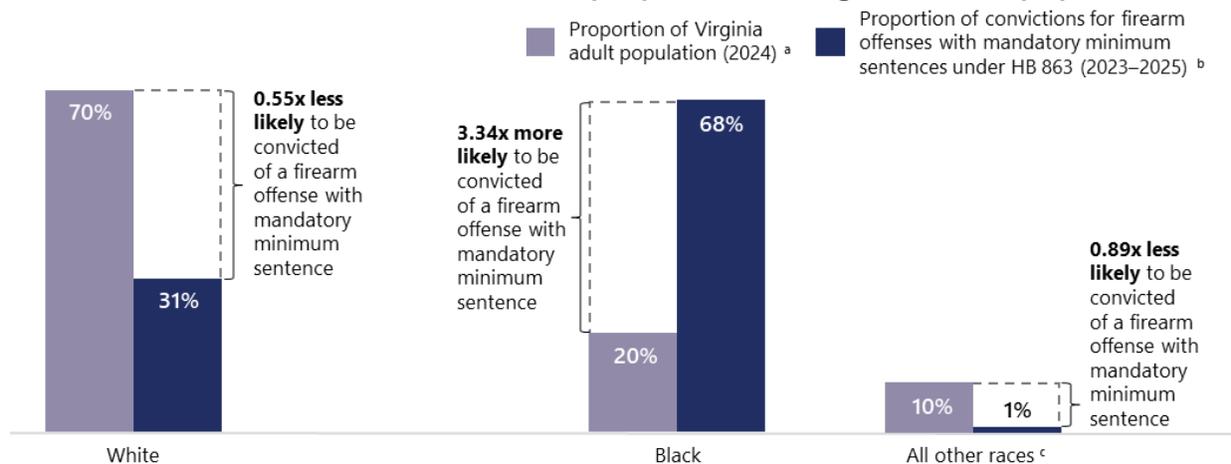


SOURCE: JLARC staff analysis of general district, juvenile and domestic relations, and circuit court data from the Office of the Executive Secretary of the Virginia Supreme Court and Fairfax Circuit Court.

NOTE: Includes all relevant assault offenses in HB 863, totaling 2,222 convictions. Approximately 91 percent of these convictions were for ASL-1342-F6, or simple assault on law enforcement, fire, etc. For full list of disproportionality ratios by offense, see appendix. ^a Population data from Virginia 2024 Census estimates of adult population. ^b OES data includes cases with file dates between December 17, 2022, and December 17, 2025. Fairfax Circuit Court data includes cases with file dates between January 1, 2022, and December 31, 2024. ^c American Indian or Alaskan Native, Asian or Pacific Islander, Hispanic, and other/unknown race in general district, juvenile and domestic relations, and circuit court data.

FIGURE 1-5

Individuals convicted of a firearm offense covered by HB 863 are 3.3 times more likely to be Black relative to Black individuals' proportion of Virginia's adult population

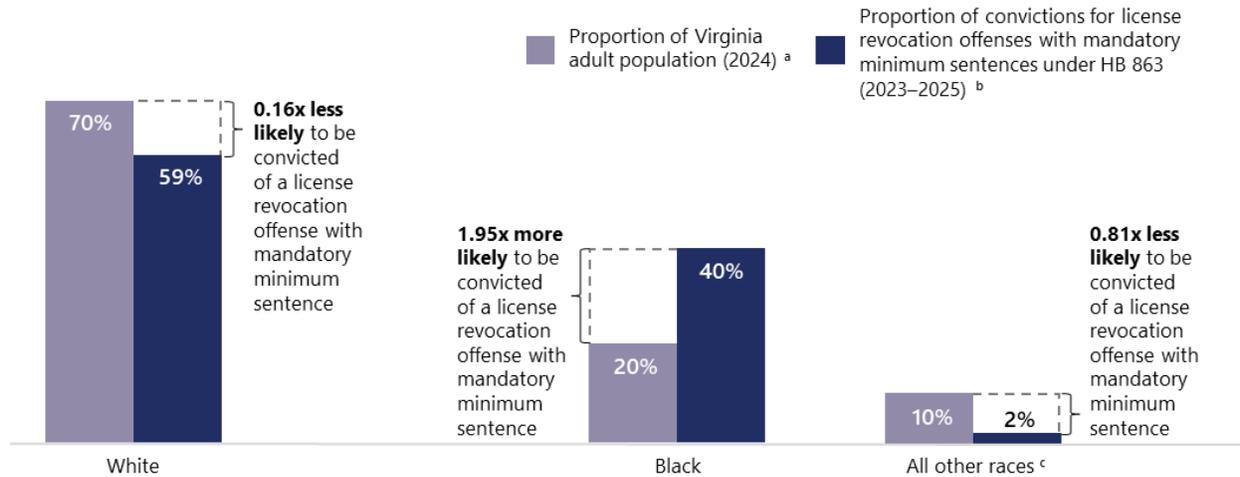


SOURCE: JLARC staff analysis of general district and circuit court data from the Office of the Executive Secretary of the Virginia Supreme Court and Fairfax Circuit Court.

NOTE: Includes all relevant offenses involving a firearm in HB 863, totaling 2,910 convictions. For full list of disproportionality ratios by offense, see appendix. ^a Population data from Virginia 2024 Census estimates of adult population. ^b OES data includes cases with file dates between December 17, 2022, and December 17, 2025. Fairfax Circuit Court data includes cases with file dates between January 1, 2022, and December 31, 2024. ^c American Indian or Alaskan Native, Asian or Pacific Islander, Hispanic, and other/unknown race in general district and circuit court data.

FIGURE 1-6

Individuals convicted of a license revocation offense covered by HB 863 are 2.0 times more likely to be Black relative to Black individuals' proportion of Virginia's adult population

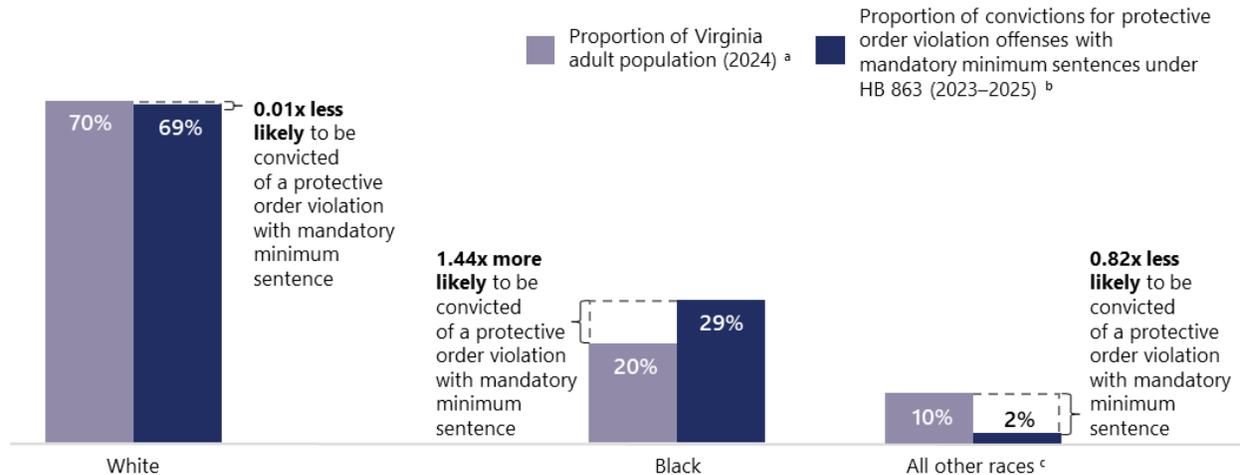


SOURCE: JLARC staff analysis of general district and circuit court data from the Office of the Executive Secretary of the Virginia Supreme Court and Fairfax Circuit Court.

NOTE: Percentages may not sum because of rounding. Includes all relevant license revocation offenses in HB 863, totaling 633 convictions. For full list of disproportionality ratios by offense, see appendix. ^a Population data from Virginia 2024 Census estimates of adult population. ^b OES data includes cases with file dates between December 17, 2022, and December 17, 2025. Fairfax Circuit Court data includes cases with file dates between January 1, 2022, and December 31, 2024. ^c American Indian or Alaskan Native, Asian or Pacific Islander, Hispanic, and other/unknown race in general district and circuit court data.

FIGURE 1-7

Individuals convicted of a protective order violation offense covered by HB 863 are 1.4 times more likely to be Black relative to Black individuals' proportion of Virginia's adult population



SOURCE: JLARC staff analysis of general district, juvenile and domestic relations, and circuit court data from the Office of the Executive Secretary of the Virginia Supreme Court and Fairfax Circuit Court.

NOTE: Includes all relevant protective order violation offenses in HB 863, totaling 6,252 convictions. For full list of disproportionality ratios by offense, see appendix. ^a Population data from Virginia 2024 Census estimates of adult population. ^b OES data includes cases with file dates between December 17, 2022, and December 17, 2025. Fairfax Circuit Court data includes cases with file dates between January 1, 2022, and December 31, 2024. ^c American Indian or Alaskan Native, Asian or Pacific Islander, Hispanic, and other/unknown race in general district, juvenile and domestic relations, and circuit court data.

When considering individuals who were originally charged with an offense covered by HB 863 but ultimately convicted of a lesser offense, the differential impacts on racial and ethnic subgroups vary based on offense category. (Because HB 863 would remove mandatory minimum sentences for certain offenses, the bill may make it less likely individuals charged with these offenses plead guilty to lesser charges.) HB 863 would likely disproportionately impact Black individuals originally charged with drug, assault, firearm, and license revocation offenses and likely disproportionately impact white persons originally charged with sex offenses by a slight amount.

HB 863's impacts on racial and ethnic subgroups of individuals who may no longer plead guilty to a lower offense because of the bill's provisions would vary by offense category. Individuals convicted of offenses covered by HB 863 may be less likely to plead guilty to a lower offense because of the bill's removal of mandatory minimum sentences and prohibitions on suspended sentences for these offenses. Including 2023–2025 cases in circuit, general district, and juvenile and domestic relations courts, individuals who were originally charged with drug, assault, firearm, and license revocation offenses covered by HB 863 but ultimately convicted of a lesser offense not

included in the bill are 1.6 to 3.4 times more likely to be Black relative to Black individuals' proportion of Virginia's adult population. Black individuals accounted for 32.1 to 67.9 percent of individuals originally charged with one of these offenses but who were ultimately convicted of a lesser charge, but only 20.2 percent of Virginia adults (Figures 2-1, 2-4, 2-5, and 2-6).

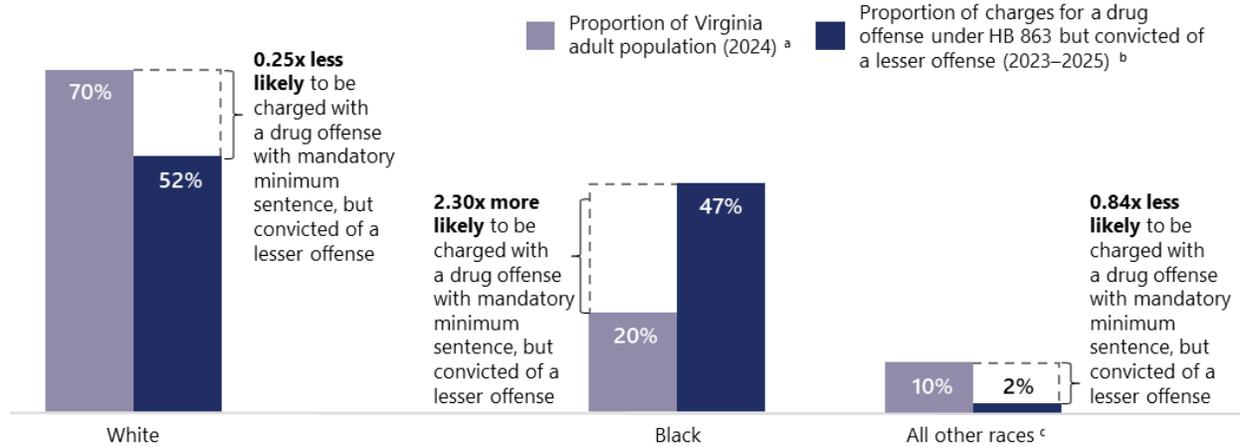
Conversely, individuals who were originally charged with sex offenses covered by HB 863 but ultimately convicted of a lesser offense are 1.1 times more likely to be white relative to white individuals' proportion of Virginia's adult population. White individuals accounted for 76.0 percent of individuals who were originally charged with a sex offense covered by HB 863 but ultimately convicted of a lesser offense; however, white individuals make up 69.6 percent of Virginia adults (Figure 2-2).

DWI offenses disproportionately affect both white and Black individuals similarly. Individuals originally charged with a DWI offense covered by HB 863 but ultimately convicted of a lesser offense are 1.1 times more likely to be white and 1.1 times more likely to be Black relative to their proportion of Virginia's adult population. White individuals accounted for 73.8 percent and Black individuals accounted for 22.1 percent of individuals who were originally charged with a DWI offense covered by HB 863 but ultimately convicted of a lesser offense, but only 69.6 percent and 20.2 percent of Virginia adults, respectively (Figure 2-3).

The analysis in this section is not conclusive because the data does not indicate why individuals were ultimately convicted of a lesser offense than the original charge. However, analysis suggests that Black individuals who were originally charged with drug, DWI, assault, firearm, and license revocation offenses and ultimately convicted of a lesser charge, and white individuals who were originally charged with sex and DWI offenses but ultimately convicted of a lesser charge, would be disproportionately affected by HB 863. (There were no individuals who were originally charged with protective order violations covered under HB 863 but ultimately convicted of a lesser offense.)

FIGURE 2-1

Individuals originally charged with a drug offense covered by HB 863 but convicted of a lesser offense are 2.3 times more likely to be Black relative to Black individuals' proportion of Virginia's adult population

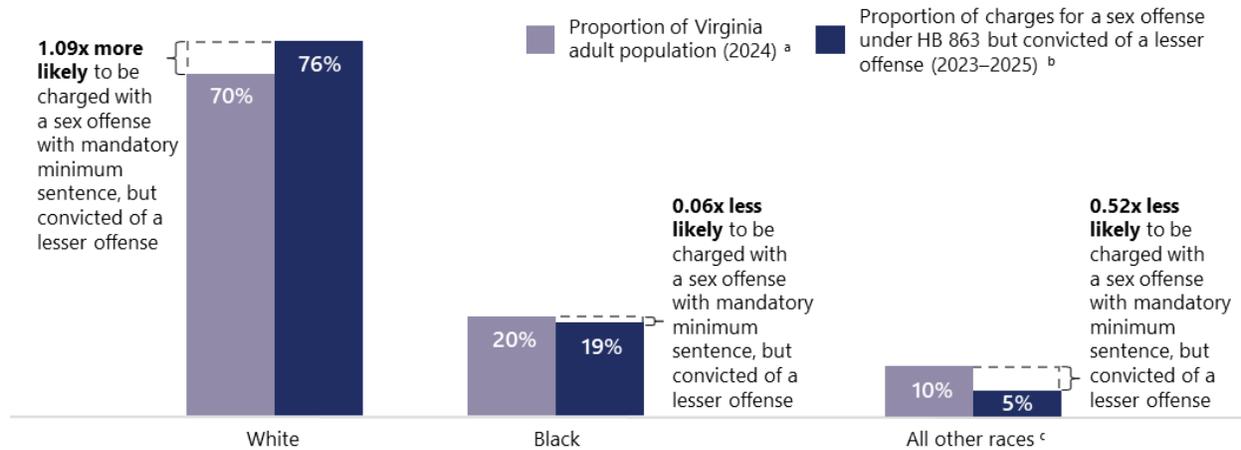


SOURCE: JLARC staff analysis of general district, juvenile and domestic relations, and circuit court data from the Office of the Executive Secretary of the Virginia Supreme Court and Fairfax Circuit Court.

NOTE: Percentages may not sum because of rounding. Includes charges for all relevant drug-related offenses in HB 863 that were ultimately convicted of a lesser offense, totaling 996 convictions. ^a Population data from Virginia 2024 Census estimates of adult population. ^b OES data includes cases with file dates between December 17, 2022, and December 17, 2025. Fairfax Circuit Court data includes cases with file dates between January 1, 2022, and December 31, 2024. ^c American Indian or Alaskan Native, Asian or Pacific Islander, Hispanic, and other/unknown race in general district, juvenile and domestic relations, and circuit court data.

FIGURE 2-2

Individuals originally charged with a sex offense covered by HB 863 but convicted of a lesser offense are 1.1 times more likely to be white relative to white individuals' proportion of Virginia's adult population

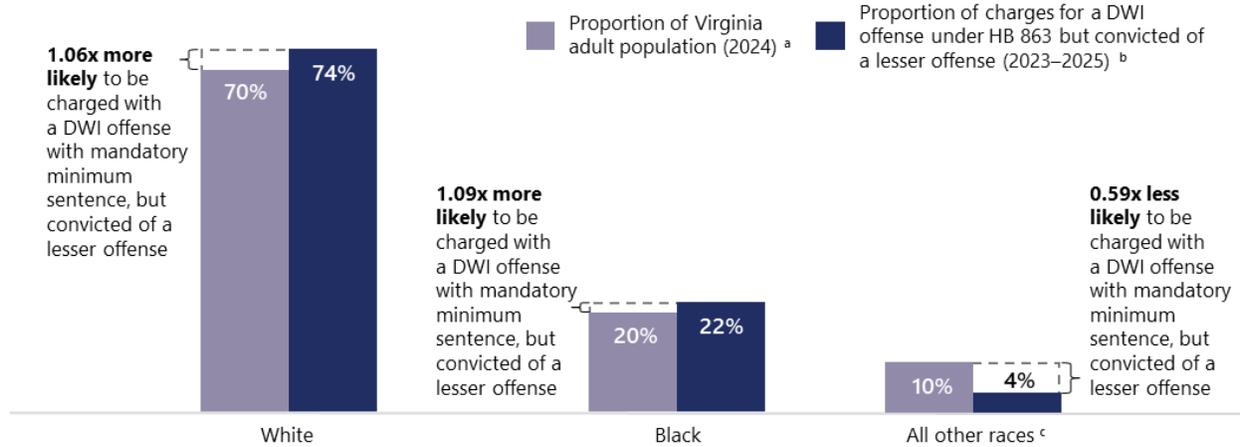


SOURCE: JLARC staff analysis of general district, juvenile and domestic relations, and circuit court data from the Office of the Executive Secretary of the Virginia Supreme Court and Fairfax Circuit Court.

NOTE: Includes charges for all relevant sex offenses in HB 863 that were ultimately convicted of a lesser offense, totaling 738 convictions. ^a Population data from Virginia 2024 Census estimates of adult population. ^b OES data includes cases with file dates between December 17, 2022, and December 17, 2025. Fairfax Circuit Court data includes cases with file dates between January 1, 2022, and December 31, 2024. ^c American Indian or Alaskan Native, Asian or Pacific Islander, Hispanic, and other/unknown race in general district, juvenile and domestic relations, and circuit court data.

FIGURE 2-3

Individuals originally charged with a DWI offense covered by HB 863 but convicted of a lesser offense are 1.1 times more likely to be white and 1.1 times more likely to be Black relative to these individuals' respective proportion of Virginia's adult population

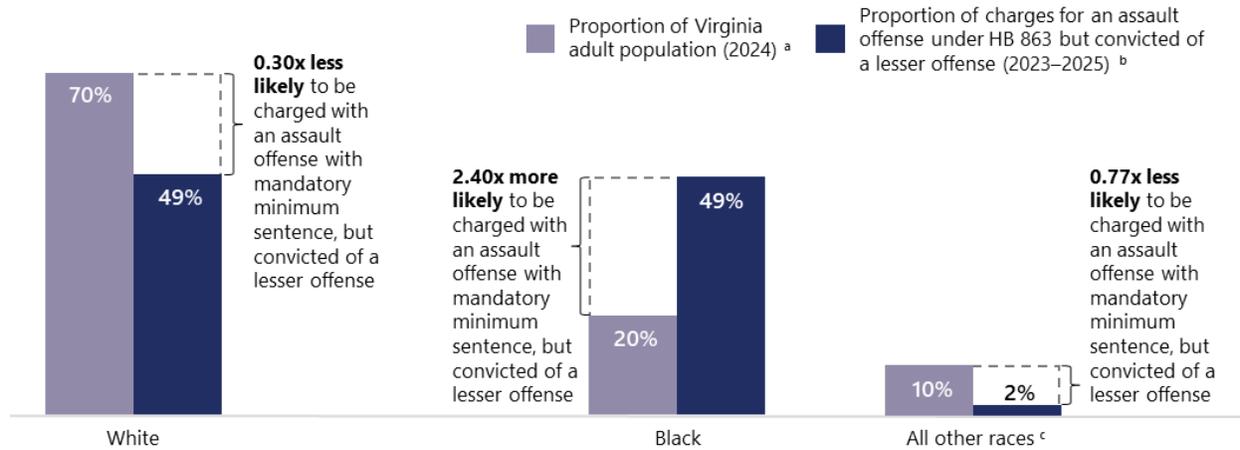


SOURCE: JLARC staff analysis of general district, juvenile and domestic relations, and circuit court data from the Office of the Executive Secretary of the Virginia Supreme Court and Fairfax Circuit Court.

NOTE: Includes charges for all relevant DWI offenses in HB 863 that were ultimately convicted of a lesser offense, totaling 6,235 convictions. ^a Population data from Virginia 2024 Census estimates of adult population. ^b OES data includes cases with file dates between December 17, 2022, and December 17, 2025. Fairfax Circuit Court data includes cases with file dates between January 1, 2022, and December 31, 2024. ^c American Indian or Alaskan Native, Asian or Pacific Islander, Hispanic, and other/unknown race in general district, juvenile and domestic relations, and circuit court data.

FIGURE 2-4

Individuals originally charged with an assault offense covered by HB 863 but convicted of a lesser offense are 2.4 times more likely to be Black relative to Black individuals' proportion of Virginia's adult population

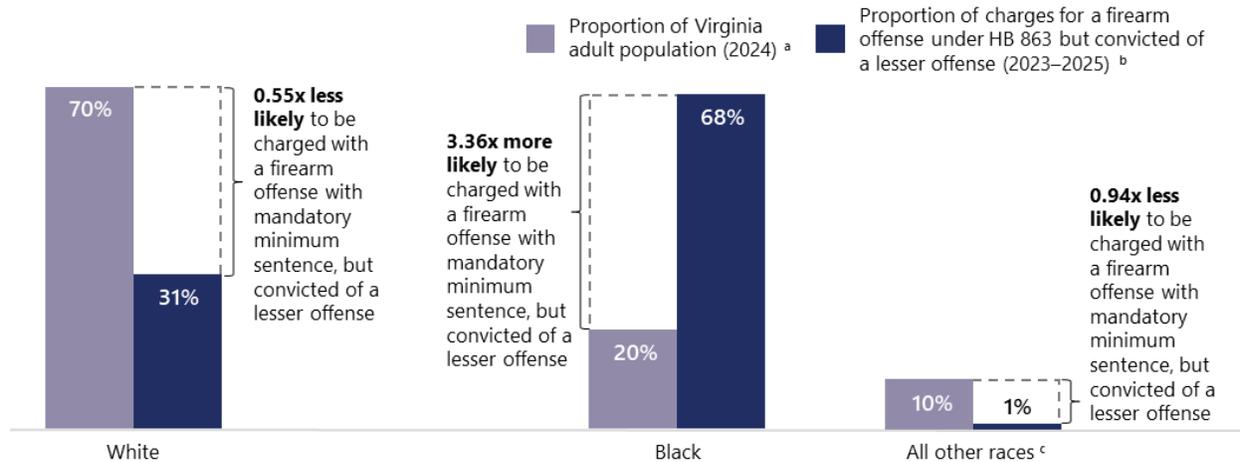


SOURCE: JLARC staff analysis of general district, juvenile and domestic relations, and circuit court data from the Office of the Executive Secretary of the Virginia Supreme Court and Fairfax Circuit Court.

NOTE: Includes charges for all relevant assault offenses in HB 863 that were ultimately convicted of a lesser offense, totaling 3,014 convictions. ^a Population data from Virginia 2024 Census estimates of adult population. ^b OES data includes cases with file dates between December 17, 2022, and December 17, 2025. Fairfax Circuit Court data includes cases with file dates between January 1, 2022, and December 31, 2024. ^c American Indian or Alaskan Native, Asian or Pacific Islander, Hispanic, and other/unknown race in general district, juvenile and domestic relations, and circuit court data.

FIGURE 2-5

Individuals originally charged with a firearm offense covered by HB 863 but convicted of a lesser offense are 3.4 times more likely to be Black relative to Black individuals' proportion of Virginia's adult population

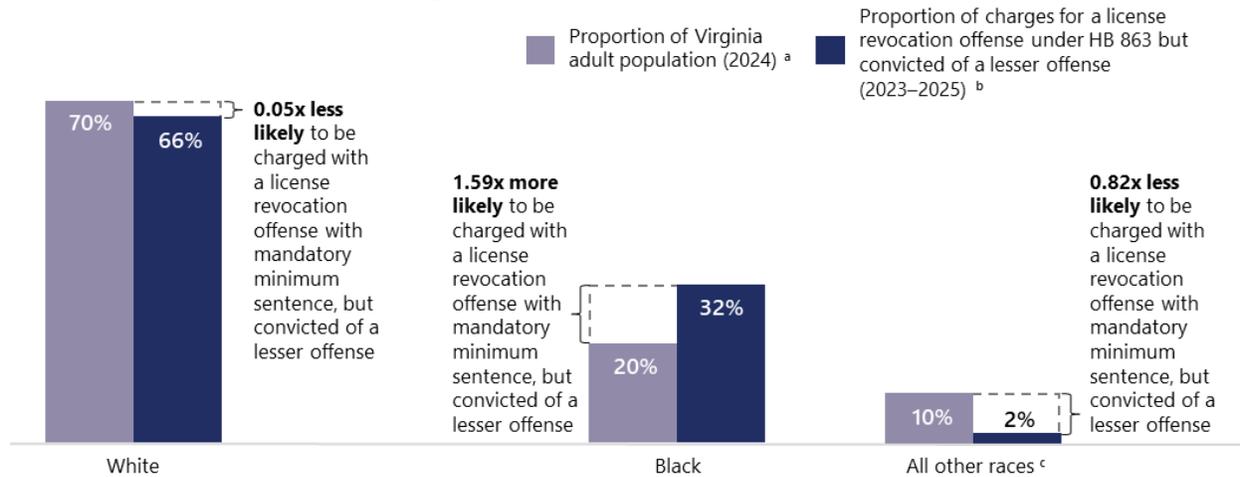


SOURCE: JLARC staff analysis of general district, juvenile and domestic relations, and circuit court data from the Office of the Executive Secretary of the Virginia Supreme Court and Fairfax Circuit Court.

NOTE: Includes charges for all relevant offenses involving a firearm in HB 863 that were ultimately convicted of a lesser offense, totaling 1,681 convictions. ^aPopulation data from Virginia 2024 Census estimates of adult population. ^bOES data includes cases with file dates between December 17, 2022, and December 17, 2025. Fairfax Circuit Court data includes cases with file dates between January 1, 2022, and December 31, 2024. ^cAmerican Indian or Alaskan Native, Asian or Pacific Islander, Hispanic, and other/unknown race in general district, juvenile and domestic relations, and circuit court data.

FIGURE 2-6

Individuals originally charged with a license revocation offense covered by HB 863 but convicted of a lesser offense are 1.6 times more likely to be Black relative to Black individuals' proportion of Virginia's adult population



SOURCE: JLARC staff analysis of general district and circuit court data from the Office of the Executive Secretary of the Virginia Supreme Court and Fairfax Circuit Court.

NOTE: Includes charges for all relevant license revocation offenses in HB 863 that were ultimately convicted of a lesser offense, totaling 165 convictions. ^a Population data from Virginia 2024 Census estimates of adult population. ^b OES data includes cases with file dates between December 17, 2022, and December 17, 2025. Fairfax Circuit Court data includes cases with file dates between January 1, 2022, and December 31, 2024. ^c American Indian or Alaskan Native, Asian or Pacific Islander, Hispanic, and other/unknown race in general district and circuit court data.

Patron: Delegate Cousins

Prepared by: Brittany Utz, Sarah Smith

Date Issued: March 6, 2026

Appendix: Disproportionality ratios by charge

This appendix compares the racial composition of Virginia’s population to the racial composition of individuals convicted of each of the offenses for which the mandatory minimum sentence or prohibition on a suspended sentence would be eliminated under HB 863. Table 1 shows the estimated disproportionality for each racial group by charge for individuals convicted of one of the offenses under HB 863. Numbers in the table represent the estimated amount of disproportionality by race. For example, 0.12 means 12 percent less likely and 1.79 means 79 percent more likely to be convicted relative to the racial composition of Virginia’s general population. Offenses are grouped by category, including drug, sex, DWI, assault, firearm, license revocation, and protective order offenses.

Offenses with fewer than 50 convictions from 2023–2025 were not reported because there are too few convictions to reliably assess whether there would be differential racial impacts for that offense. These offenses are listed by category in Table 2.

TABLE 1
Estimated disproportionality by charge under HB 863 (2023–2025)

| Virginia Crime Code | Offense description | Number of convictions ^a | Estimated disproportionality | | |
|-----------------------------|--|------------------------------------|------------------------------|-------|------------------------------|
| | | | White | Black | All other races ^b |
| <u>Drug offenses</u> | | | | | |
| NAR-3038-F9 | Sell, poss. w/intent, distribute, etc. Schd. I/II - second conviction | 512 | 0.36 | 2.72 | 0.96 |
| NAR-3087-F9 | Sell, poss. w/intent, distribute, etc. Sch. I/II - third or subsequent | 111 | 0.24 | 2.31 | 0.00 |
| NAR-3147-F9 | Methamphetamine, distribute, etc., 10g or more (20g mixture) | 212 | 1.07 | 1.19 | 0.86 |
| <u>Sex offenses</u> | | | | | |
| OBS-3681-F9 | Reproduce, transmit, sell, etc., child porn, subsequent | 80 | 1.29 | 0.69 | 0.63 |
| OBS-3702-F9 | Propose sex act by communications sys. age <15, offender 7+ yrs. older | 157 | 1.15 | 0.31 | 0.44 |
| OBS-3703-F9 | Propose sex act by communications sys. age <15, offender 7+ yrs. older, Second/Subsq. | 50 | 1.26 | 0.51 | 0.80 |
| RAP-1121-X9 | Subsequent felony sexual assault; aggravated sexual battery - victim under age 13 | 482 | 1.07 | 0.03 | 0.43 |
| RAP-1124-X4 | Subsequent felony sexual assault; carnal knowledge/statutory rape no force, age of victim 13, 14 | 223 | 0.01 | 1.22 | 0.38 |
| RAP-1129-X9 | Subsequent felony sexual assault; rape, intercourse with victim by force, threat or intimidation | 109 | 0.13 | 1.63 | 0.37 |

JLARC staff offer Racial and Ethnic Impact Statements (REIS) in accordance with Item § 30-19.1:13 of the Code of Virginia. JLARC REIS do not comment on the merits of the bill under review. For further information, call Kimberly Sarte at 804-371-4595.

| Virginia Crime Code | Offense description | Number of convictions ^a | Estimated disproportionality | | |
|---|---|------------------------------------|------------------------------|-------|------------------------------|
| | | | White | Black | All other races ^b |
| RAP-1130-F9 | Rape; intercourse with victim under age 13 (offender more than 3 years older than victim) | 105 | 1.09 | 0.11 | 0.44 |
| RAP-1132-X9 | Subsequent felony sexual assault; sodomy, by force, threat, mental incapacity/helplessness of victim age 13+ | 77 | 0.05 | 1.54 | 0.74 |
| RAP-1133-F9 | Forcible sodomy; victim under age 13 (offender more than 3 years older than victim) | 136 | 0.04 | 1.27 | 0.28 |
| RAP-1133-X9 | Subsequent felony sexual assault; sodomy, forcible, victim under age 13 | 140 | 0.04 | 1.27 | 0.30 |
| RAP-1135-X9 | Subsequent felony sexual assault; object sexual penetration, by force, threat, intimidation or via mental incapacity/helpless of victim | 66 | 1.09 | 0.18 | 0.26 |
| RAP-1136-F9 | Object sexual penetration; victim under age 13 (offender more than 3 years older than victim) | 58 | 1.19 | 0.57 | 0.15 |
| RAP-1136-X9 | Subsequent felony sexual assault; object sexual penetration, victim under age 13 | 58 | 1.19 | 0.57 | 0.15 |
| RAP-1144-X9 | Subsequent felony sexual assault; aggravated sexual battery - mental incapacity or helplessness, through the use of force, threat, etc. | 68 | 0.03 | 1.45 | 0.71 |
| RAP-1148-X9 | Subsequent felony sexual assault; aggravated sexual battery - parent/grandparent, etc., with child age 13 to 17 | 93 | 1.13 | 0.10 | 0.68 |
| SEX-3643-X5 | Subsequent felony sexual assault; indecent liberties, child under age 15 | 274 | 1.09 | 0.12 | 0.35 |
| SEX-3645-X4 | Subsequent felony sexual assault; indecent liberties, parent/grandparent, etc., child age less than 15 | 80 | 0.01 | 1.11 | 0.14 |
| Driving while intoxicated offenses | | | | | |
| DWI-5406-F6 | Fourth or subsequent DWI conviction w/in 10 years | 82 | 0.23 | 2.11 | 0.64 |
| DWI-5443-M1 | First DWI conviction, BAC .15 to .20 | 4,053 | 0.05 | 1.45 | 0.55 |
| DWI-5444-M1 | First DWI conviction, BAC > .20 | 1,849 | 0.01 | 1.33 | 0.57 |
| DWI-5447-S9 | Second DWI conviction w/in 5 to 10 years | 1,397 | 0.07 | 1.62 | 0.74 |
| DWI-5448-S9 | Second DWI conviction w/in less than 5 years | 1,623 | 0.16 | 1.88 | 0.65 |
| DWI-5449-F6 | Third DWI conviction w/in 10 years | 580 | 0.19 | 2.05 | 0.76 |
| DWI-5450-F6 | Third DWI conviction w/in 5 Years | 266 | 0.13 | 1.75 | 0.59 |
| DWI-5451-M1 | First DWI conviction w/child | 278 | 0.12 | 1.76 | 0.72 |
| DWI-5452-M1 | First DWI conviction, BAC .15 to .20 w/child | 115 | 0.14 | 1.72 | 0.49 |
| DWI-5453-M1 | First DWI conviction, BAC > .20 w/child | 73 | 1.02 | 1.22 | 0.60 |
| DWI-5463-M1 | First DWI conviction, influence of drugs w/child | 51 | 1.10 | 0.23 | 0.23 |
| DWI-5464-S9 | Second DWI conviction w/in less than 5 years, drugs | 121 | 1.05 | 1.22 | 0.76 |
| DWI-5465-S9 | Second DWI conviction w/in 5 to 10 years, drugs | 67 | 1.09 | 1.03 | 0.71 |
| DWI-5474-S9 | Second DWI conviction w/in less than 5 years .15 to .20 BAC | 424 | 0.04 | 1.49 | 0.68 |

| Virginia Crime Code | Offense description | Number of convictions ^a | Estimated disproportionality | | |
|---|---|------------------------------------|------------------------------|-------|------------------------------|
| | | | White | Black | All other races ^b |
| DWI-5475-S9 | Second DWI conviction w/in less than 5 years, BAC > .20 | 356 | 0.01 | 1.32 | 0.59 |
| DWI-5476-S9 | Second DWI conviction w/in 5 to 10 years, BAC .15 to .20 | 279 | 0.16 | 1.89 | 0.72 |
| DWI-5477-S9 | Second DWI conviction w/in 5 to 10 years, BAC > .20 | 150 | 0.11 | 1.55 | 0.34 |
| DWI-5493-F6 | Prior DWI manslaughter, assault, felony DWI | 240 | 0.07 | 1.61 | 0.71 |
| DWI-5682-F6 | Third DWI conviction w/in 10 Years, BAC .15 to .20 | 76 | 0.02 | 1.30 | 0.48 |
| DWI-5683-F6 | Third DWI conviction w/in 10 Years, BAC > .20 | 63 | 1.07 | 1.10 | 0.69 |
| <u>Assault offenses</u> | | | | | |
| ASL-1342-F6 | Simple assault on law enforcement, court, DOC, fire/medical, etc. | 2,018 | 0.28 | 2.34 | 0.78 |
| ASL-1352-M1 | Battery against health care provider in an emergency facility | 171 | 0.21 | 2.11 | 0.77 |
| <u>Firearm offenses</u> | | | | | |
| ASL-1319-F9 | Firearm use in commission of felony - first offense | 705 | 0.66 | 3.68 | 0.79 |
| ASL-1323-F9 | Firearm use in commission of felony - subsequent offense | 84 | 0.83 | 4.35 | 0.00 |
| WPN-5257-F6 | Sell, etc., Schedule I/II drug while possessing firearm | 86 | 0.28 | 2.47 | 0.00 |
| WPN-5296-F6 | Convicted felon (violent) possess/transport firearm | 454 | 0.60 | 3.55 | 0.98 |
| WPN-5297-F6 | Convicted felon (non-violent w/in 10 yr.) possess firearm, etc. | 1,328 | 0.50 | 3.17 | 0.90 |
| WPN-5302-F6 | Possess Schedule I/II drug with firearm on or about person | 234 | 0.43 | 2.93 | 0.92 |
| <u>License revocation offenses</u> | | | | | |
| LIC-6858-M1 | Operate vehicle after license revoked – no endangerment | 419 | 0.18 | 2.05 | 0.84 |
| LIC-6859-F9 | Operate vehicle after license revoked - endangerment | 64 | 0.06 | 1.62 | 0.85 |
| LIC-6860-F9 | Operate vehicle after license revoked - DWI, etc., violation | 88 | 0.10 | 1.63 | 0.55 |
| LIC-6861-F9 | Operate vehicle after license revoked - Second or subsequent | 62 | 0.17 | 2.07 | 0.00 |
| <u>Protective order violation offenses</u> | | | | | |
| PRT-5001-M1 | Violation of protective order (violence) Second w/in 5 yrs. (JDR) | 139 | 1.06 | 1.24 | 0.93 |
| PRT-5002-F6 | Violation of protective order (violence) Third w/in 20 yrs. (JDR) | 128 | 1.01 | 1.39 | 0.85 |
| PRT-5007-M1 | Violation of a protective order | 5,593 | 0.01 | 1.45 | 0.82 |

SOURCE: JLARC staff analysis of general district, juvenile and domestic relations, and circuit court data from the Office of the Executive Secretary of the Virginia Supreme Court and Fairfax Circuit Court.

NOTE: Includes all relevant offenses under HB 863 with over 50 convictions from 2023–2025. Population data from Virginia 2024 Census estimates of adult population. OES data includes cases with the file dates between December 17, 2022, and December 17, 2025. Fairfax Circuit Court data includes cases with file dates between January 1, 2022, and December 31, 2024. Numbers in the table represent the estimated difference in the amount of disproportionality by race. For example, 0.12 means 12 percent *less likely* and 1.79 means 79 percent *more likely*. ^a Count of convictions from 2023–2025. ^b Includes American Indian or Alaska Native; Asian or Native Hawaiian or Other Pacific Islander; and unknown races in general district, juvenile and domestic relations, and circuit court data.

TABLE 2

Offenses covered by HB 863 with insufficient data for disproportionality analysis (less than 50 convictions from 2023–2025)

| Virginia Crime Code | Offense description |
|----------------------------|--|
| | <u>Drug offenses</u> |
| NAR-3041-F9 | Anabolic steroids - sell, distribute, etc. |
| NAR-3063-F9 | Sell <1 oz. of marijuana to minor |
| NAR-3065-F9 | Transport into Commonwealth - 1 oz. or more of Cocaine |
| NAR-3066-F9 | Transport into Commonwealth - 1 oz. or more other Sch. I/II |
| NAR-3067-F9 | Transport into Commonwealth - 5 lbs. or more marijuana |
| NAR-3085-F9 | Sell, distribute, etc., marijuana third or subsequent felony |
| NAR-3086-F9 | Transport into Commonwealth - 5 lbs. or more marijuana - Second/subsq. |
| NAR-3088-F9 | Transport into Commonwealth - 1 oz. or more of Cocaine, Second/subsq. |
| NAR-3089-F9 | Transport into Commonwealth - 1 oz. or more other Sch.I/II, Second/subsq. |
| NAR-3090-F9 | Continuing criminal enterprise; Gross \$100,000 to < \$250,000 w/in 12-month period |
| NAR-3091-F9 | Continuing criminal enterprise; Type Not Clear – Distribute Schd. I/II or marijuana - quantity defined |
| NAR-3092-F9 | Continuing criminal enterprise; Gross \$250,000 or more w/in 12-month period |
| NAR-3093-F9 | Continuing criminal enterprise; Type Not Clear – Distribute Schd. I/II or marijuana - quantity defined |
| NAR-3094-F9 | Type Not Clear - Distribute Schd. I/II - quantity defined |
| NAR-3097-F9 | Sell Sch. I/II drug to minor |
| NAR-3098-F9 | Sell 1 oz. or more of marijuana to minor |
| NAR-3099-F6 | Distribute, etc., controlled substance school/public property - subsq. |
| NAR-3111-F9 | Heroin mixture, distribute, etc., 1.0 kilograms or more |
| NAR-3112-F9 | Cocaine mixture, etc., distribute, etc., 5.0 kilograms or more |
| NAR-3114-F9 | Marijuana mixture, etc., distribute, etc., 100 kilograms or more |
| NAR-3115-F9 | Methamphetamine, distribute, etc., 100g or more (200g mixture) |
| NAR-3116-F9 | Continuing criminal enterprise; Heroin mixture, distribute etc. 1.0 kilograms to less than 5.0 kilograms |
| NAR-3117-F9 | Continuing criminal enterprise; Cocaine mixture distribute, etc. 5.0 kilograms to less than 10.0 kilograms |
| NAR-3119-F9 | Continuing criminal enterprise; Distribute etc., 100 kilograms to less than 250 kilograms marijuana mix |
| NAR-3120-F9 | Continuing criminal enterprise; Methamphetamine, distribute etc. 100g to less than 250g (200g to less than 1 kg mixture) |
| NAR-3121-F9 | Continuing criminal enterprise; Heroin mixture, distribute etc. 5.0 kilograms or more |
| NAR-3122-F9 | Continuing criminal enterprise; Cocaine mixture, distribute etc. 10.0 kilograms or more |

| Virginia Crime Code | Offense description |
|----------------------------|--|
| NAR-3124-F9 | Continuing criminal enterprise; Distribute etc., 250 kilograms or more marijuana mixture |
| NAR-3125-F9 | Continuing criminal enterprise; Methamphetamine, distribute etc. 250g or more (1kg or more mixture) |
| NAR-3126-F9 | Sell <1 oz. of marijuana, minor assists in distribution |
| NAR-3127-F9 | Sell 1 oz. or more of marijuana, minor assists in distribution |
| NAR-3128-F9 | Sell Sch. I/II drug, minor assists in distribution |
| NAR-3133-F9 | Manufacture methamphetamine - Third or subsequent conviction |
| NAR-3144-F9 | Heroin, distribute, etc., 100g or more |
| NAR-3145-F9 | Cocaine mixture, etc., distribute, etc., 500 g or more |
| NAR-3149-F9 | Methamphetamine, distribute, etc., 28g or more |
| NAR-3151-F9 | Methamphetamine, distribute, etc., 227g or more |
| <u>Sex offenses</u> | |
| KID-1003-X2 | Subsequent felony sexual assault; abduct child under 16 yrs. of age for concubinage or prostitution |
| KID-1004-X2 | Subsequent felony sexual assault; abduction of person with intent to defile |
| KID-1012-X2 | Subsequent felony sexual assault; extortion, abduct with intent to gain pecuniary benefit |
| KID-1022-X2 | Subsequent felony sexual assault; abduct minor for the purpose of manufacturing child pornography |
| KID-1023-X2 | Subsequent felony sexual assault; abduct for the purpose of prostitution |
| OBS-3678-F9 | Solicitation of child porn to gain entry to group, subsequent |
| OBS-3683-F9 | Finance child porn, age < 15, offender 7+ yrs. older |
| OBS-3684-F9 | Finance child porn, age < 15, offender 7+ yrs. older, Second/Subsq. |
| OBS-3686-F9 | Finance child porn, age 15+, offender 7+ yrs. older |
| OBS-3687-F9 | Finance child porn, age 15+, offender 7+ yrs. older, Second/Subsq |
| OBS-3691-F9 | Propose sex act by communications sys. age 15+, offender 7+ yrs. older, Second/Subsq. |
| OBS-3742-F9 | Entice minor to perform in porn, age <15, offender 7+ yrs. older |
| OBS-3743-F9 | Entice minor to perform in porn, age <15, offender 7+ yrs. older, Second/Subsq. |
| OBS-3745-F9 | Entice minor to perform in porn, age 15+, offender 7+ yrs. older |
| OBS-3746-F9 | Entice minor to perform in porn, age 15+, offender 7+ yrs. older, Second/Subsq. |
| OBS-3748-F9 | Produce, make child porn, age <15, offender 7+ yrs. older |
| OBS-3749-F9 | Produce, make child porn, age <15, offender 7+ yrs. older, Second/Subsq. |
| OBS-3751-F9 | Produce, make child porn, age 15+, offender 7+ yrs. older |
| OBS-3752-F9 | Produce, make child porn, age 15+, offender 7+ yrs. older, Second/Subsq. |
| OBS-3754-F9 | Take part, film child porn, age <15, offender 7+ yrs. older |
| OBS-3755-F9 | Take part, film child porn, age <15, offender 7+ yrs. older, Second/Subsq. |
| OBS-3757-F9 | Take part, film child porn, age 15+, offender 7+ yrs. older |
| OBS-3760-F9 | Take part, film child porn, age 15+, offender 7+ yrs. older, Second/Subsq. |
| RAP-1116-X9 | Subsequent felony sexual assault; aggravated sexual battery - battery as treatment, not recognized in the profession |
| RAP-1125-X6 | Subsequent felony sexual assault; carnal knowledge/statutory rape no force, person providing service under purview of court, corrections |
| RAP-1128-X9 | Subsequent felony sexual assault; rape, forcible intercourse with victim thru mental incapacity/helplessness |

| Virginia Crime Code | Offense description |
|----------------------------|---|
| RAP-1130-X9 | Subsequent felony sexual assault; rape, forcible intercourse with victim under age 13 |
| RAP-1131-F9 | Rape; intercourse with victim under age 13 (offender over 18 at time of offense) |
| RAP-1131-X9 | Subsequent felony sexual assault; rape, forcible intercourse with victim under age 13 (indicted as an adult) |
| RAP-1141-X9 | Subsequent felony sexual assault; rape, spouse by force, threat, etc. |
| RAP-1142-X9 | Subsequent felony sexual assault; sodomy, spouse by force, threat, etc. |
| RAP-1143-X9 | Subsequent felony sexual assault; object sexual penetration, spouse by force, threat, etc. |
| RAP-1145-X9 | Subsequent felony sexual assault; aggravated sexual battery - force, threat, intimidation of victim age 13 or 14 |
| RAP-1146-X9 | Subsequent felony sexual assault; aggravated sexual battery - force, threat, intimidation with serious injury |
| RAP-1147-X9 | Subsequent felony sexual assault; aggravated sexual battery - force, threat, intimidation with threat of weapon |
| RAP-1150-X9 | Subsequent felony sexual assault; rape, forcible intercourse with victim under age 13, w/kidnapping, burglary, wounding |
| RAP-1151-X9 | Subsequent felony sexual assault; sodomy, forcible, victim under age 13, w/kidnapping, burglary, wounding |
| RAP-1152-X9 | Subsequent felony sexual assault; object sexual penetration, victim under age 13, w/kidnapping, burglary, wounding |
| RAP-1153-F9 | Forcible sodomy; victim under age 13 (offender over 18 at time of offense) |
| RAP-1153-X9 | Subsequent felony sexual assault; sodomy, forcible, victim under age 13 (indicted as an adult) |
| RAP-1154-F9 | Object sexual penetration; victim under age 13 (offender over 18 at time of offense) |
| RAP-1154-X9 | Subsequent felony sexual assault; object sexual penetration, victim under age 13 (indicted as an adult) |
| RAP-1159-X9 | Subsequent felony sexual assault; aggravated sexual battery - type not clear from record |
| RAP-1162-X9 | Subsequent felony sexual assault; rape, forcible - type not clear from record |
| RAP-1165-X9 | Subsequent felony sexual assault; sodomy, forcible, type not clear from record |
| RAP-1166-X9 | Subsequent felony sexual assault; object sexual penetration - type not clear from record |
| SEX-3606-X6 | Subsequent felony sexual assault; bestiality, carnally know any brute animal |
| SEX-3616-X5 | Subsequent felony sexual assault; incest with own or step child or grandchild, father, mother, etc. |
| SEX-3640-X3 | Subsequent felony sexual assault; sodomy, parent/grandparent to child/grandchild age 13 to 17 |
| SEX-3641-X5 | Subsequent felony sexual assault; sodomy, family member to family member |
| SEX-3642-X3 | Subsequent felony sexual assault; incest with own or step child/grandchild age 13 to 17 |
| SEX-3644-X5 | Subsequent felony sexual assault; indecent liberties, parent/grandparent, etc., child age of 15 to 17 |
| SEX-3666-X4 | Subsequent felony sexual assault; indecent liberties, take indecent liberties with child |
| SEX-3669-X5 | Subsequent felony sexual assault; indecent liberties, receive money, allowing minor subject of sexual material |
| SEX-3670-X4 | Subsequent felony sexual assault; indecent liberties, receive money, allowing minor subject of sexual material |

| Virginia Crime Code | Offense description |
|--|---|
| <u>Driving while intoxicated offenses</u> | |
| MUR-0948-F9 | Involuntary manslaughter, under the influence – vehicular, aggravated |
| MUR-0949-F9 | Involuntary manslaughter, under the influence – watercraft, aggravated |
| DWI-5351-M1 | First DWI conviction, influence of drugs/alcohol w/child |
| DWI-5352-F6 | Fourth or subsequent DWI conviction w/in 10 yr., drugs/alcohol |
| DWI-5353-F6 | Fourth or subsequent DWI conviction w/in 10 yr., drugs/alcohol, w/child |
| DWI-5354-S9 | Second DWI conviction w/in 5 to 10 years, drugs/alcohol |
| DWI-5355-S9 | Second DWI conviction w/in 5 to 10 years, drugs/alcohol, w/child |
| DWI-5368-S9 | Second DWI conviction w/in less than 5 years, drugs/alcohol |
| DWI-5369-S9 | Second DWI conviction w/in less than 5 years, drugs/alcohol, w/child |
| DWI-5370-F6 | Third DWI conviction w/in 10 years, drugs/alcohol, w/child |
| DWI-5371-F6 | Third DWI conviction w/in 10 years, influence of drugs/alcohol |
| DWI-5372-F6 | Third DWI conviction w/in 5 Years, drugs/alcohol, w/child |
| DWI-5373-F6 | Third DWI conviction w/in 5 years, influence of drugs/alcohol |
| DWI-5375-M1 | First DWI commercial vehicle: drugs/alcohol w/child |
| DWI-5376-S9 | Second DWI commercial vehicle w/in < 5 yrs: drugs/alcohol |
| DWI-5377-S9 | Second DWI commercial vehicle w/in < 5 yrs., drugs/alcohol w/child |
| DWI-5378-S9 | Second DWI commercial vehicle w/in 5 to 10 yrs: drugs/alcohol |
| DWI-5379-S9 | Second DWI commercial vehicle w/in 5 to 10 yrs: drugs/alcohol w/child |
| DWI-5418-S9 | Second DWI commercial vehicle w/in < 5 yrs |
| DWI-5419-S9 | Second DWI commercial vehicle w/in 5 to 10 yrs |
| DWI-5420-F6 | Third DWI commercial vehicle w/in 5 yrs. |
| DWI-5421-F6 | Third DWI commercial vehicle w/in 10 yrs. |
| DWI-5445-S9 | Second DWI conviction w/in 10 years, BAC .15 to .20 |
| DWI-5446-S9 | Second DWI conviction w/in 10 years, BAC > .20 |
| DWI-5454-S9 | Second DWI conviction w/in 10 years, BAC .15 to .20 w/child |
| DWI-5455-S9 | Second DWI conviction w/in 10 years, BAC > .20 w/child |
| DWI-5456-S9 | Second DWI conviction w/in 5 to 10 years w/child |
| DWI-5457-S9 | Second DWI conviction w/in less than 5 years w/child |
| DWI-5458-F6 | Third DWI conviction w/in 10 years w/child |
| DWI-5459-F6 | Third DWI conviction w/in 5 Years w/child |
| DWI-5460-F6 | Fourth or subsequent DWI conviction w/in 10 years w/child |
| DWI-5466-S9 | Second DWI conviction w/in less than 5 years, drugs, w/child |
| DWI-5467-S9 | Second DWI conviction w/in 5 to 10 years, drugs, w/child |
| DWI-5468-F6 | Third DWI conviction w/in 10 years, influence of drugs |
| DWI-5469-F6 | Third DWI conviction w/in 5 years, influence of drugs |
| DWI-5470-F6 | Third DWI conviction w/in 10 years, drugs, w/child |
| DWI-5471-F6 | Third DWI conviction w/in 5 Years, drugs, w/child |
| DWI-5472-F6 | Fourth or subsequent DWI conviction w/in 10 yr., drugs |
| DWI-5473-F6 | Fourth or subsequent DWI conviction w/in 10 yr., drugs, w/child |
| DWI-5479-S9 | Second DWI conviction w/in less than 5 years, BAC .15 to .20 w/child |
| DWI-5480-S9 | Second DWI conviction w/in less than 5 years, BAC > .20 w/child |
| DWI-5481-S9 | Second DWI conviction w/in 5 to 10 years, BAC .15 to .20 w/child |

| Virginia Crime Code | Offense description |
|----------------------------|--|
| DWI-5482-S9 | Second DWI conviction w/in 5 to 10 years, BAC > .20 w/child |
| DWI-5484-S9 | Second DWI commercial vehicle w/in < 5 yrs: drug |
| DWI-5485-S9 | Second DWI commercial vehicle w/in 5 to 10 yrs: drug |
| DWI-5494-F6 | Prior DWI manslaughter, assault, felony DWI w/child |
| DWI-5495-F6 | Third DWI w/in 5 yrs - prior DWI manslaughter, assault or felony DWI |
| DWI-5496-F6 | Third DWI w/in 5 yrs - prior DWI manslaughter, assault or felony DWI w/child |
| DWI-5497-F6 | Third DWI w/in 10 yrs - prior DWI manslaughter, assault or felony DWI |
| DWI-5498-F6 | Third DWI w/in 10 yrs - prior DWI manslaughter, assault or felony DWI w/child |
| DWI-5573-M1 | First DWI commercial vehicle: BAC .15 to .20 |
| DWI-5574-M1 | First DWI commercial vehicle: BAC > .20 |
| DWI-5575-M1 | First DWI commercial vehicle: with child |
| DWI-5576-M1 | First DWI commercial vehicle: BAC .15 to .20 w/child |
| DWI-5577-M1 | First DWI commercial vehicle: BAC > .20 w/child |
| DWI-5578-M1 | First DWI commercial vehicle: drug w/child |
| DWI-5580-S9 | Second DWI commercial vehicle w/in < 5 yrs: BAC .15 to .20 |
| DWI-5581-S9 | Second DWI commercial vehicle w/in < 5 yrs: BAC > .20 |
| DWI-5582-S9 | Second DWI commercial vehicle w/in 5 to 10 yrs: BAC .15 to .20 |
| DWI-5583-S9 | Second DWI commercial vehicle w/in 5 to 10 yrs: BAC >.20 |
| DWI-5584-S9 | Second DWI commercial vehicle w/in 10 yrs: BAC .15 to .20 |
| DWI-5585-S9 | Second DWI commercial vehicle w/in 10 yrs: BAC >.20 |
| DWI-5586-S9 | Second DWI commercial vehicle w/in < 5 yrs w/child |
| DWI-5587-S9 | Second DWI commercial vehicle w/in < 5 yrs: BAC .15 to .20 w/child |
| DWI-5588-S9 | Second DWI commercial vehicle w/in < 5 yrs: BAC > .20 w/child |
| DWI-5589-S9 | Second DWI commercial vehicle w/in < 5 yrs., drug w/child |
| DWI-5591-S9 | Second DWI commercial vehicle w/in 5 to 10 yrs w/child |
| DWI-5592-S9 | Second DWI commercial vehicle w/in 5 to 10 yrs: BAC .15 to .20 w/child |
| DWI-5593-S9 | Second DWI commercial vehicle w/in 5 to 10 yrs: BAC >.20 w/child |
| DWI-5594-S9 | Second DWI commercial vehicle w/in 5 to 10 yrs: drug w/child |
| DWI-5596-S9 | Second DWI commercial vehicle w/in 10 yrs: BAC .15 to .20 w/child |
| DWI-5597-S9 | Second DWI commercial vehicle w/in 10 yrs: BAC >.20 w/child |
| DWI-5598-F6 | Third DWI commercial vehicle w/in 5 yrs. w/child |
| DWI-5599-F6 | Third DWI commercial vehicle w/in 10 yrs. w/child |
| DWI-5602-F6 | Fourth DWI commercial vehicle w/in 10 yrs. |
| DWI-5603-F6 | Fourth DWI commercial vehicle w/in 10 yrs. w/child |
| DWI-5604-F6 | Prior DWI manslaughter, assault, felony commercial DWI |
| DWI-5606-F6 | Prior DWI manslaughter, assault, felony commercial DWI w/child |
| DWI-5607-F6 | Prior DWI manslaughter, assault, felony commercial DWI, BAC .15 to .20 w/child |
| DWI-5608-F6 | Prior DWI manslaughter, assault, felony commercial DWI, BAC > .20 w/child |
| DWI-5621-M1 | First DWI conviction, influence of marijuana w/child |
| DWI-5622-S9 | Second DWI conviction w/in less than 5 years, marijuana |
| DWI-5623-S9 | Second DWI conviction w/in 5 to 10 years, marijuana |
| DWI-5624-S9 | Second DWI conviction w/in less than 5 years, marijuana, w/child |
| DWI-5625-S9 | Second DWI conviction w/in 5 to 10 years, marijuana, w/child |

| Virginia Crime Code | Offense description |
|--------------------------------|---|
| DWI-5626-F6 | Third DWI conviction w/in 10 years, influence of marijuana |
| DWI-5627-F6 | Third DWI conviction w/in 5 years, influence of marijuana |
| DWI-5628-F6 | Third DWI conviction w/in 10 years, marijuana, w/child |
| DWI-5629-F6 | Third DWI conviction w/in 5 Years, marijuana, w/child |
| DWI-5630-F6 | Fourth or subsequent DWI conviction w/in 10 yr., marijuana |
| DWI-5631-F6 | Fourth or subsequent DWI conviction w/in 10 yr., marijuana, w/child |
| DWI-5641-M1 | First DWI commercial vehicle: marijuana w/child |
| DWI-5642-S9 | Second DWI commercial vehicle w/in < 5 yrs., marijuana |
| DWI-5643-S9 | Second DWI commercial vehicle w/in < 5 yrs., marijuana w/child |
| DWI-5644-S9 | Second DWI commercial vehicle w/in 5 to 10 yrs: marijuana |
| DWI-5645-S9 | Second DWI commercial vehicle w/in 5 to 10 yrs: marijuana w/child |
| DWI-5667-F6 | DWI, Prior DWI manslaughter, assault, felony commercial DWI, BAC .15 to .20 |
| DWI-5668-F6 | DWI, Prior DWI manslaughter, assault, felony commercial DWI, BAC > .20 |
| DWI-5669-F6 | Fourth DWI commercial vehicle w/in 10 yrs., BAC .15 to .20 w/child |
| DWI-5670-F6 | Fourth DWI commercial vehicle w/in 10 yrs., BAC > .20 w/child |
| DWI-5671-F6 | Fourth DWI commercial vehicle w/in 10 yrs., BAC .15 to .20 |
| DWI-5672-F6 | Fourth DWI commercial vehicle w/in 10 yrs., BAC > .20 |
| DWI-5673-F6 | Third DWI commercial vehicle w/in 5 yrs., BAC .15 to .20 w/child |
| DWI-5674-F6 | Third DWI commercial vehicle w/in 5 yrs., BAC > .20 w/child |
| DWI-5675-F6 | Third DWI commercial vehicle w/in 10 yrs., BAC .15 to .20 w/child |
| DWI-5676-F6 | Third DWI commercial vehicle w/in 10 yrs., BAC > .20 w/child |
| DWI-5677-F6 | Third DWI commercial vehicle w/in 10 yrs., BAC .15 to .20 |
| DWI-5678-F6 | Third DWI commercial vehicle w/in 10 yrs., BAC > .20 |
| DWI-5680-F6 | Third DWI conviction w/in 5 Years, BAC .15 to .20 |
| DWI-5681-F6 | Third DWI conviction w/in 5 Years, BAC > .20 |
| DWI-5684-F6 | Third DWI conviction w/in 5 Years, BAC .15 to .20 w/child |
| DWI-5685-F6 | Third DWI conviction w/in 5 Years, BAC > .20 w/child |
| DWI-5686-F6 | Third DWI conviction w/in 10 Years, BAC .15 to .20 w/child |
| DWI-5687-F6 | Third DWI conviction w/in 10 Years, BAC > .20 w/child |
| DWI-5688-F6 | Fourth or subsequent DWI conviction w/in 10 yr., BAC .15 to .20 |
| DWI-5689-F6 | Fourth or subsequent DWI conviction w/in 10 yr., BAC > .20 |
| DWI-5690-F6 | Fourth or subsequent DWI conviction w/in 10 yr., BAC .15 to .20 w/child |
| DWI-5691-F6 | Fourth or subsequent DWI conviction w/in 10 yr., BAC > .20 w/child |
| DWI-5692-F6 | DWI, Prior DWI manslaughter, assault, felony DWI, BAC .15 to .20 |
| DWI-5693-F6 | DWI, Prior DWI manslaughter, assault, felony DWI, BAC > .20 |
| DWI-5694-F6 | DWI, Prior DWI manslaughter, assault, felony DWI, BAC .15 to .20 w/child |
| DWI-5695-F6 | DWI, Prior DWI manslaughter, assault, felony DWI, BAC > .20 w/child |
| DWI-5696-F6 | Third DWI commercial vehicle w/in 5 yrs., BAC .15 to .20 |
| DWI-5697-F6 | Third DWI commercial vehicle w/in 5 yrs., BAC > .20 |
| <u>Assault offenses</u> | |
| ASL-1311-M1 | Simple assault, on teacher, principal, school employee, etc. w/weapon |
| ASL-1312-M1 | Simple assault, on teacher, principal, school employee, etc. |
| ASL-1326-F9 | Malicious bodily injury to law enforcement, fire or EMS |

| Virginia Crime Code | Offense description |
|---|--|
| ASL-1330-F6 | Non-malicious injury to law enforcement, fire/EMS personnel, etc. |
| <u>Firearm offenses</u> | |
| WPN-5278-F6 | Sell, etc., more than 1 lb. marijuana while possessing firearm |
| WPN-5283-F4 | Purchase firearm - provide to ineligible person |
| WPN-5284-F4 | Transport firearm out of state - provide to ineligible person |
| WPN-5285-F4 | Provide > 1 firearm to ineligible person through purchase/transfer |
| WPN-5286-F4 | Solicit firearm by ineligible person, violation of §18.2-308.2:2(M) |
| WPN-5300-F9 | Firearm, use or attempt to use on school property, etc. |
| <u>Protective order violation offenses</u> | |
| PRT-5003-F6 | Enter home of person with protective order |
| PRT-5004-F6 | Assault with injury to person with protective order |
| PRT-5065-F6 | Stalk person with protective order |
| PRT-5066-M1 | Violation of protective order (violence) Second w/in 5 yrs. |
| PRT-5067-F6 | Violation of protective order (violence) Third w/in 20 yrs. |
| PRT-5073-F6 | Violation of protective order while armed with deadly weapon |
| <u>Other offenses</u> | |
| AGR-4632-M1 | Sell or distribute cigarettes not in directory, ≥ 3000 pkgs. |
| AGR-4634-M1 | Possess, import, etc., cigarettes not in directory, ≥ 3000 pkgs. |
| ALC-4163-M1 | Sale, illegal alcohol - subsequent offense |
| ESC-4921-F6 | Escape from a correctional facility |
| FRD-2540-F6 | Publish name of LEO, judge, magistrate with intent to harass, etc. |
| MOB-1280-F4 | Participation in crime for benefit/direction of gang - school, etc. |
| MOB-1281-F3 | Participation in crime for gang that includes juvenile - school, etc. |
| VAN-2905-F4 | Shoot or throw missile at law enforcement/emergency vehicle w/malice |
| VAN-2906-F6 | Shoot or throw missile at law enforcement/emergency vehicle w/out malice |
| Varies | Three Strikes for violent felonies |

SOURCE: JLARC staff analysis of general district, juvenile and domestic relations, and circuit court data from the Office of the Executive Secretary of the Virginia Supreme Court and Fairfax Circuit Court.

NOTE: Includes all relevant offenses under HB 863 with less than 50 convictions from 2023–2025. OES data includes cases with the file dates between December 17, 2022, and December 17, 2025. Fairfax Circuit Court data includes cases with file dates between January 1, 2022, and December 31, 2024. Although there were an insufficient number of convictions to analyze disproportionality by charge, these offenses were included in the analysis of disproportionality by offense category in the main body of the REIS.