

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

Fiscal Analysis:

The proposal establishes the Virginia Health Care Protection Act. The bill provides that no law enforcement officer acting in the Commonwealth may investigate, arrest, or detain any person, seek the issuance of a warrant, or otherwise assist in any investigation involving protected health care activity, as defined in the bill. The bill provides that any subpoena under the Uniform Interstate Depositions and Discovery Act or any summons for a witness for another state in a criminal case shall include an attestation, made under penalty of perjury, stating whether the subpoena or summons seeks documents, information, or testimony related to protected health care activity. Currently, under § 18.2-434, perjury related to written declarations is punishable as a Class 5 felony.

Anyone convicted of a Class 5 felony is subject to a term of imprisonment of not less than one year nor more than 10 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 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 7, 2026 Acts of Assembly, requires that a minimum impact of \$50,000 be assigned to the bill.

Any impact on the Courts is unknown at this time. This fiscal impact statement may be updated if additional information is provided by the Office of the Executive Secretary (OES) of the Supreme Court of Virginia.

Other: Senate Amendment Item 390 #1s provides DOC \$50,000 in general funds for this bill.