

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. **Bill Number:** HB1097

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Kilgore

3. **Committee:** Courts of Justice

4. **Title:** Felony homicide; certain drug offenses; penalty.

5. **Summary:** Provides that a person is guilty of felony homicide, which constitutes second degree murder and is punishable by confinement of not less than five nor more than 40 years, if the underlying felonious act that resulted in the killing of another involved the manufacture, sale, gift, or distribution of a Schedule I or II controlled substance to another and such other person's use of the controlled substance results in his death. The bill provides that venue for a prosecution of this crime shall lie in the locality where the underlying felony occurred, where the use of the controlled substance occurred, or where death occurred. The bill also provides that if a person gave or distributed a Schedule I or II controlled substance only as an accommodation to another individual who is not an inmate in a community correctional facility, local correctional facility, or state correctional facility, or in the custody of an employee thereof, and not with intent to profit thereby from any consideration received or expected nor to induce the recipient of the controlled substance to use or become addicted to or dependent upon such controlled substance, he is guilty of a Class 5 felony.

6. **Budget Amendment Necessary:** No. Funding for this proposal was provided in Item 390 of the Governor's Introduced Budget (HB30/SB30).

7. **Fiscal Impact Estimates:** Preliminary (see Item 8 below).

8. **Fiscal Implications:** This proposal expands the applicability of felony homicide to individuals who are involved in the manufacture, sale, gift, or distribution of a Schedule I or II controlled substance to another individual which results in their death due to the use of the controlled substance or if the controlled substance was determined to be the proximate cause of the individual's death, regardless of the time or place death occurred in relation to the commission of the underlying felony. According to the Virginia Criminal Sentencing Commission (VCSC), the estimated impact on future state-responsible (prison) bed space needs will be an additional six beds statewide by FY 2030. Pursuant to § 30-19.1:4, Code of Virginia, the estimated amount of the necessary appropriation is at least \$325,892.

The impact on adult community corrections programs, juvenile direct care, and juvenile detention facilities is indeterminate at this time.

9. Specific Agency or Political Subdivisions Affected: Courts, law enforcement agencies, Commonwealth's Attorneys, Public Defender Offices, Department of Corrections, and local and regional jails.

10. Technical Amendment Necessary: No.

11. Other Comments: None.