

## Department of Planning and Budget 2022 Fiscal Impact Statement

**1. Bill Number:** SB79

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

**2. Patron:** Stanley

**3. Committee:** Judiciary

**4. Title:** Class 1 felonies; mandatory minimum term of imprisonment for life.

**5. Summary:** Under current law (§ 18.2-10), anyone convicted of a Class 1 felony is subject to imprisonment for life and a fine of up to \$100,000. This bill imposes a mandatory minimum term of imprisonment for life for any person convicted of a Class 1 felony who was 18 years of age or older at the time of the offense and is not determined to be a person with intellectual disability.

Current law also defines aggravated murder (§ 18.2-31) and specifically requires a minimum term of life imprisonment for the willful, deliberate, and premeditated killing of certain law-enforcement officers and public safety officials. The bill removes the reference to mandatory life imprisonment set out in §18.2-31.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** Preliminary. See Item 8 below.

**8. Fiscal Implications:** According to data collected and compiled by the Virginia Criminal Sentencing Commission (VCSC), there have been 343 convictions for a completed act of aggravated murder under § 18.2-31 during the period of FY 2000 to FY 2021. During this 22-year period, 225 offenders were convicted of these crimes and of these, 11.1% were given a sentence of death. All but two of the remaining offenders were sentenced to life in prison. Two offenders convicted of completed capital murder within this time frame were given a life sentence that was suspended; the offenders in these two cases were sentenced to active prison terms of 36 and 38 years, respectively. The death penalty was repealed in Virginia by the 2021 General Assembly (Special Session I) and the term capital murder was replaced with aggravated murder in the Code of Virginia, effective July 1, 2021.

According to VCSC, since all offenders convicted of aggravated murder receive sentences in excess of six years, the proposed legislation is not expected to have a material fiscal impact on state prison bed space over the next six-year horizon specified by §30-19.1:4 for legislative impact statements.

**9. Specific Agency or Political Subdivisions Affected:** Department of Corrections, Public Defender's Offices, Commonwealth's Attorneys, Courts

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None