

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: HB1235

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

2. Patron: Ballard

3. Committee: Courts of Justice

4. Title: Conditional release of geriatric prisoners.

5. Summary: Under current law, any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony, (i) who has reached the age of sixty-five or older and who has served at least five years of the sentence imposed or (ii) who has reached the age of sixty or older and who has served at least ten years of the sentence imposed may petition the Parole Board for conditional release.

This bill expands the list of offenses, committed on or after July 1, 2022, that would make a person ineligible for parole including certain violent felony offenses and certain second or subsequent felony violations when such offenses were not part of a common act, transaction, or scheme while the person was at liberty (as defined in § 53.1-151) between each conviction.

6. Budget Amendment Necessary: Indeterminate

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

8. Fiscal Implications: To assess the possible fiscal impact of the proposed bill, the Department of Corrections (DOC) conducted an analysis of FY 2020 new court commitment (NCC) data and identified 103 offenders who were convicted of the offenses enumerated in the proposed legislation. Assuming that future NCC offender data mirrors FY 2020 data, this bill would affect a similar number of offenders when the provisions become effective. However, because the exceptions proposed in the bill pertain to offenses committed on or after July 1, 2022, and because an inmate must have served at least five years of the imposed sentence and reached age 65 or served 10 years and have reached age 60 before becoming eligible for consideration, this bill would not affect the offender population until FY 2028. Based on the relatively low number of potential prisoners affected, it is expected that this change will not have a fiscal impact on DOC's operations.

According to the Virginia Parole Board (VPB), the changes proposed by this bill are not expected to have a material impact on agency operations. However, this bill would require changes to CORIS, which DOC uses to track offender data including parole eligibility status, to identify inmates who commit disqualifying crimes after July 1, 2022, and separate them from the existing geriatric parole eligible offenders by the types of crimes committed. The

one-time estimated cost to make the required changes is between \$85,200 and \$120,000. The one-time modification costs are expected to be absorbed by DOC. However, the cumulative costs associated with other bills that are passed during the 2022 General Assembly session may have to be addressed if multiple or complex changes to CORIS are ultimately required. Additionally, due to the volume of changes currently being made to CORIS, DOC may not be able to make changes required by this bill immediately upon its passage.

9. Specific Agency or Political Subdivisions Affected: Virginia Parole Board, Department of Corrections

10. Technical Amendment Necessary: No

11. Other Comments: This bill is the same as SB680.