

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: HB1303ER

House of Origin	<input type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input checked="" type="checkbox"/>	Enrolled

2. Patron: Williams

3. Committee: Passed both houses

4. Title: Virginia Freedom of Information Act; Virginia Parole Board member votes.

5. Summary: The proposed legislation establishes that individual votes of the members of the Virginia Parole Board shall be public records and subject to the provisions of the Virginia Freedom of Information Act.

6. Budget Amendment Necessary: Yes, Item 433.

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

8. Fiscal Implications: The Parole Board (Board) reports that the requirement to make petition requests subject to public record and existing provisions of the Virginia Freedom of Information Act (FOIA) may require additional personnel resources.

According to the Board, the proposed legislation may require up to two full-time staff to manually extract each case and prepare a report based on each Board member's vote, comments entered, and the overall decision on the particular case. Staff will then need to compile and prepare such information for either public dissemination, or for specific FOIA requests. The Board believes that because the provision of the bill could encompass any matter a Board member votes on, including but not limited to conditional release, pardons, revocations of any kind, decisions to proceed with rescission hearing, and changes to policies, it may need up to two full-time staff positions for this workload. Additionally, the Board believes that pursuant to a previous opinion issued by the Attorney General (1992) in reference to FOIA, the proposed legislation could apply not only to future decisions by the Board but also to past decisions for which there are records in the possession of the Board as of the effective date of the implementation of the proposed legislation.

While it is not known how many FOIA requests the Board will receive each year, due to the number of offenders eligible for review by the Board, currently and in future years, and the scope of potential requests, the Board reports that it does not have sufficient support staff to meet all the requirements of the proposed legislation. The annual salary for a Program Support position, including benefits, is estimated to be \$66,555 annually.

The Board also reports that the proposed legislation will require a program change to the Department of Corrections Information System (CORIS) in order to extract voting data by

individual Board members. According to the CORIS representative from the Department of Corrections (DOC), this change will cost approximately \$108,000 to be paid to the CORIS vendor, ABILIS. It is expected that this one-time cost can be absorbed by the 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: Parole Board; Department of Corrections.

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is identical to SB5.