

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: HB1318ER

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Adams

3. Committee: Passed Both Houses

4. Title: Use of sentencing revocation report and discretionary sentencing

5. Summary: The bill authorizes the Virginia Sentencing Commission to develop, maintain, and modify a system of statewide discretionary sentencing guidelines for use in hearings conducted in circuit courts in which the defendant is cited for violation of a condition or conditions of supervised probation imposed as a result of a felony conviction. The bill provides that a court would be presented with such guidelines when a defendant is cited for violating a condition or conditions of supervised probation imposed as a result of a felony conviction and such person is under the supervision of a state probation and parole officer.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: According to the Office of the Executive Secretary of the Supreme Court (OES) and the Virginia Criminal Sentencing Commission (VCSC), the bill does not create a material fiscal on the operations of either agency. VCSC reports the bill should have no impact on the bed-space needs of the Commonwealth because i) it codifies current practice and ii) the Probation Violation Guidelines were developed based on analysis of judges' actual sentencing patterns in revocation cases.

9. Specific Agency or Political Subdivisions Affected: Courts and Virginia Criminal Sentencing Commission

10. Technical Amendment Necessary: No

11. Other Comments: Item 44 F.1. of the introduced bill provides that "For any hearing conducted pursuant to § 19.2-306, Code of Virginia, the circuit court shall have presented to it a sentencing revocation report prepared on a form designated by the Virginia Criminal Sentencing Commission indicating the condition or conditions of the suspended sentence, good behavior, or probation supervision that the defendant has allegedly violated." Since the appropriation act supersedes statutory law, the existing language in the appropriation act under Item 44 F.1 would need to be amended to allow the purpose of this bill to be realized.