

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: HB1348

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

2. Patron: Coyner

3. Committee: House Committee for Courts of Justice

4. Title: Writ of post-conviction relief for marijuana-related offenses

5. Summary: The proposed bill creates a writ of post-conviction relief by which persons convicted of certain felony marijuana-related offenses committed prior to July 1, 2021, who remain incarcerated on July 1, 2022, may petition the circuit court for modification of such person's sentence. The bill requires such a petition to be filed by July 1, 2026. The bill has an expiration date of July 1, 2027.

6. Budget Amendment Necessary: Indeterminate

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

8. Fiscal Implications: The proposed bill impacts several state agencies in the following ways:

Virginia State Police (VSP)

The proposed bill will likely require VSP to enter a number of sentence modifications into the agency's Computerized Criminal History (CCH) system. However, the number of sentencing modifications that would result from this bill cannot be determined. If the volume warrants VSP to bring on additional contract personnel, the estimated cost would be \$25 per hour.

Department of Corrections (DOC)

At this time, DOC is still assessing the estimated number of offenders who could be affected by this legislation and the impact the bill may have on agency operations. The fiscal impact statement will be updated as necessary when relevant information is available from the agency.

Commonwealth's Attorneys

According to the Virginia Association of Commonwealth's Attorneys, the bill will likely result in additional attorney time writing briefs and attending court hearings. There is insufficient data to quantify the impact. Therefore, the fiscal impact on Commonwealth's Attorneys is indeterminate.

Virginia Indigent Defense Commission (VIDC)

VIDC does not anticipate a material fiscal impact from this bill.

Office of the Attorney General (OAG)

According to the Office of the Attorney General, the proposed bill is not expected to have a material fiscal impact on agency resources.

9. Specific Agency or Political Subdivisions Affected: Virginia State Police, Department of Corrections, Commonwealth's Attorneys, Virginia Indigent Defense Commission

10. Technical Amendment Necessary: No

11. Other Comments: None