

## **Department of Planning and Budget 2022 Fiscal Impact Statement**

**1. Bill Number:** HB502

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

**2. Patron:** Mullin

**3. Committee:** Courts of Justice

**4. Title:** Credit for time spent in confinement while awaiting trial; separate, dismissed, or nolle prosequi.

**5. Summary:** Under current law, any person who is sentenced to a term of confinement in a correctional facility will have deducted from such term all time actually spent in a state hospital for examination purposes or treatment prior to trial, in a state or local correctional facility awaiting trial or pending an appeal, or in a juvenile detention facility awaiting trial for an offense for which, upon conviction, such juvenile is sentenced to an adult correctional facility.

This bill provides that credit for time spent in confinement while awaiting trial must also include any time spent in pretrial confinement or detention on separate, dismissed, or nolle prosequi charges that are from the same act as the violation for which the person is convicted and sentenced to a term of confinement. The bill requires that allowance of credit be in addition to the good conduct allowance provided for in § 53.1-116, which sets the amount of good conduct credits felons and misdemeanants may earn, and § 53.1-129, which governs sentence credits earned for work performed by prisoners.

**6. Budget Amendment Necessary:** Indeterminate

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

**8. Fiscal Implications:** This bill expands the circumstances under which offenders' sentenced terms of confinement are credited. As a result, it may decrease the amount of time state-responsible offenders spend in prisons or local jails. However, currently the Department of Corrections (DOC) does not have the ability to estimate the number of offenders who may be affected by this bill. Therefore, at this time, it is unknown how the agency will award credit for time spent in confinement while awaiting trial for state responsible offenders. The Virginia Sentencing Commission does not have data that would assess the impact of this bill. The impact this bill may have on local and regional jails and courts is not known at this time. If further information is received from the Compensation Board, this fiscal impact statement will be revised.

**9. Specific Agency or Political Subdivisions Affected:** Department of Corrections

**10. Technical Amendment Necessary:** No

**11. Other Comments:** This bill is a recommendation of the Virginia Criminal Justice Conference.