

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: HB758 S2

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

2. Patron: Adams, L.R.

3. Committee: Judiciary

4. Title: Probation, revocation, and suspension of sentence; penalty.

5. Summary: The proposal provides that the court may fix the period of probation and the period of suspension for up to the statutory maximum period for which the defendant might originally have been sentenced to be imposed for any felony offense and up to two years for an offense punishable as a Class 1 misdemeanor. Currently, the limitation on periods of probation and periods of suspension is up to the statutory maximum period of imprisonment for any offense. The substitute bill provides that any term of incarceration imposed upon a violation of the terms and conditions of probation or supervised probation cannot exceed the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned.

An enactment clause in the substitute bill states that the provisions of this act will not become effective unless reenacted by the 2023 Session of the General Assembly.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: The proposed legislation provides that the court may fix the period of probation and the period of suspension for up to the statutory maximum period for which the defendant might originally have been sentenced to be imposed for any felony offense and up to two years for an offense punishable as a Class 1 misdemeanor.

According to General District Court Case Management System (CMS) data for fiscal year (FY) 2020 and FY2021 provided by the Virginia Criminal Sentencing Commission (VCSC), there were 77,864 convictions for Class 1 misdemeanor offenses. Of these, 62.3% did not indicate the period of probation or length of probation supervision ordered by the court. For the 29% of the cases where “unsupervised” probation, or a period of good behavior, was indicated, the median length of such period was two years. According to VCSC, the proposed legislation is not expected to increase the future state-responsible (prison) bed space needs of the Commonwealth.

However, according to VCSC, the proposal may increase the future jail (local responsible offenders) bed space needs of the Commonwealth. There is not enough information is available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$4.00 a day for each misdemeanor or otherwise local-responsible prisoner held in a jail. It also funds a portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2021), the estimated total state support for local jails averaged \$37.58 per inmate, per day in FY 2020.

According to the Department of Corrections, this bill is not expected to have a fiscal impact on agency operations. This bill is not expected to have a material impact on courts.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, local and regional jails, courts

10. Technical Amendment Necessary: No

11. Other Comments: None