

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: SB109

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

2. Patron: Morrissey

3. Committee: Judiciary

4. Title: Offenders under 21 years of age; parole.

5. Summary: Under current law, any person sentenced to a term of life imprisonment for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 years of such sentence and any person who has active sentences that total more than 20 years for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 20 years of such sentences is eligible for parole. Current law defines the term juvenile as a person less than 18 years of age. This bill expands the current criteria for parole eligibility to persons under the age of 21.

6. Budget Amendment Necessary: Indeterminate

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

8. Fiscal Implications: According to offender data provided by the Department of Corrections (DOC) to the Virginia Parole Board (VPB), as of December 31, 2021, there were 35 offenders eligible for parole who had committed offenses when they were under the age of 21 (data assumes that age at commitment was 18 or older). An estimated 17 offenders who meet these criteria would become eligible in calendar year 2022, and an estimated 22 offenders who meet these criteria would become eligible between calendar years 2023 and 2025. Savings may be realized as prisoners are granted parole and released from DOC facilities but this would ultimately depend on the number of people who are granted parole and the rate at which they are released. Any subsequent parole violators would be held in local jails, for which the state provides funding. However, based on the relatively low number of potential prisoners affected, any fiscal impact associated with this bill is expected to be small.

According to information provided to VPB by DOC, identifying offenders and calculating earned-sentence credits for those who may become eligible under the provision of this bill will require additional changes to the Virginia Corrections Information System (VACORIS), which DOC uses to track offender data including parole eligibility status. The one-time estimated cost to make the required changes is between \$85,200 and \$120,000.

The DOC reports that, given the changes scheduled to VACORIS for other recently passed legislation (including those associated with expanding the earned-sentence-credit framework that is scheduled to become law on July 1, 2022), the process to make the changes required by this bill may not be started until late fall or early winter 2022, and until the changes are completed, DOC would have to rely on manually calculating eligibility dates for affected offenders. The one-time modifications costs are expected to be absorbed by DOC. A cost estimate for addressing Probation and Parole workload is not available at this time. However, based on the relatively low number of potential prisoners affected, any fiscal impact associated with this bill is expected to be small.

9. Specific Agency or Political Subdivisions Affected: Virginia Parole Board, Department of Corrections

10. Technical Amendment Necessary: No

11. Other Comments: None