

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: SB137S1

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

2. Patron: Edwards

3. Committee: Senate Committee on the Judiciary

4. Title: Sentencing guidelines

5. Summary: The substitute bill amends § 19.2-298.01 (Use of discretionary sentencing guidelines) to establish that in any felony case, other than Class 1 felonies, in which the court imposes a sentence that is either greater or less than that indicated by the discretionary sentencing guidelines, the court must file with the record of the case a written explanation of such departure. The written explanation must adequately explain the sentence imposed to promote fair sentencing.

The bill also establishes that a court's ruling on a defendant's objection to the calculation of the discretionary sentencing guidelines is reviewable upon appeal. The failure to follow any or all of the provisions of this section or the failure to follow any or all of the provisions of this section in the prescribed manner, including the failure to provide a written explanation that adequately explains the sentence imposed, shall be reviewable on appeal or may be the basis of any other post-conviction relief. The failure to provide a written explanation that adequately explains the sentence imposed is reversible error.

The provisions of the bill apply only to those sentencing hearings conducted and such sentences imposed on or after July 1, 2022.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: According to the Office of the Executive Secretary of the Supreme Court, the substitute bill could increase the number of appeals from circuit court. However, the scope of that impact cannot be determined.

9. Specific Agency or Political Subdivisions Affected: Courts

10. Technical Amendment Necessary: No

11. Other Comments: None