

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: SB423

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

2. Patron: Edwards

3. Committee: Judiciary

4. Title: Discretionary sentencing guidelines; midpoint for violent felony offenses.

5. Summary: This bill requires the Virginia Criminal Sentencing Commission (the Commission) to adopt discretionary felony sentencing guidelines that may increase the midpoint of the recommended sentencing range based on the defendant's record of convictions for violent felony offenses. The bill provides that, for guidelines that become effective on or after July 1, 2022, the Commission may increase the midpoint of the recommended sentencing range for such defendants as set forth in subsection A of § 17.1-805, which set the initial discretionary sentencing guideline midpoints, or may recommend increases in the midpoint to the degree indicated by historical data for felony offenses sentenced in the Commonwealth. Any recommendations adopted by the Commission to modify the sentencing guidelines midpoints must be contained in the Commission's annual report to the General Assembly, the Governor and the Chief Justice of the Supreme Court of Virginia.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: According to the Virginia Criminal Sentencing Commission (the Commission), the proposed legislation is not expected to increase the future state-responsible (prison) or local-responsible (jail) bed space needs of the Commonwealth because the Commission would analyze sentencing data and integrate current sentencing practices into the Guidelines. By more accurately reflecting current practice in enhancement cases, the Guidelines would provide judges with the most accurate benchmark of the typical case.

The Commission reports that this bill will not have a fiscal impact on agency operations.

9. Specific Agency or Political Subdivisions Affected: Virginia Criminal Sentencing Commission, courts

10. Technical Amendment Necessary: No

11. Other Comments: This bill is the same as HB1320.