

Department of Planning and Budget

2002 Fiscal Impact Statement

1. **Bill Number** SB136

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

2. **Patron** Stolle

3. **Committee** Passed both houses

4. **Title** Referral to detention and diversion centers

5. **Summary/Purpose:**

The Code establishes residential detention and diversion center programs within the Department of Corrections to which judges are authorized to commit nonviolent offenders for whom they feel commitment to prison is not warranted, but who need a more structured environment than supervised probation. Typically, an offender committed to a detention or diversion center remains in the facility for about six months.

Under current law, it takes a motion by the offender, following his conviction and prior to imposition of sentence, to initiate consideration by the judge of commitment to a detention or diversion center. The proposed legislation would allow the Commonwealth's attorney also to file a motion recommending commitment to detention or diversion and it would also allow the judge to commit the offender on his own motion.

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6. **Fiscal Impact:** Final. See Item No. 8.

7. **Budget amendment necessary:** None.

8. **Fiscal implications:**

This legislation could result in additional offenders, who would have otherwise been placed on supervised probation, being committed to detention and diversion centers. However, it is not feasible to project with any degree of accuracy the potential increase in the number of offenders committed to detention and diversion centers. In any case, the number of offenders in detention and diversion centers that the Department of Corrections is able to house and serve at any one time is limited by the amount of funds appropriated for that purpose. Rather than increasing costs, any additional offenders committed to detention and diversion centers as a result of this legislation would be placed on a waiting list.

9. **Specific agency or political subdivisions affected:**

Department of Corrections
Circuit courts
Commonwealth's attorneys

10. **Technical amendment necessary:** None.

11. **Other comments:** None.

Date: 03/27/02

Document: G:\LEGIS\Fis-02\SB136ER.Doc Dick Hall - Sizemore

cc: Secretary of Public Safety