

Department of Planning and Budget 2003 Fiscal Impact Statement

1. Bill Number HB2180

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

2. Patron Kilgore

3. Committee Passed Both Houses

4. Title Jail policies.

5. Summary/Purpose: Provides that jailers shall keep a formal written policy stating the criteria and condition of earned credit in the facility; clarifies the rate for earning good conduct credit for prisoners convicted of misdemeanors; and provides that in order for a prisoner to work on certain properties on a voluntary basis (in order to receive credit on his sentence for the work done), orders must be specific for identified individual prisoners. The bill also provides that for all offenses committed on or after July 1, 2003, any order that does not specifically identify individual prisoners shall be void.

6. Fiscal Impact Estimates: Final; See Item 8.

7. Budget amendment necessary: No.

8. Fiscal Implications: The fiscal impact of the legislation is not known. The Virginia Criminal Sentencing Commission (VCSC) was asked to complete an analysis to determine if there are any impacts. They concluded that the legislation would have no impact on state responsible (prison) beds but may affect length of stays for certain jail inmates. It is expected that, since the legislation eliminates the provision for good conduct credit for inmates sentenced to serve up to 12 months on a felony crime committed prior to 1995, this jail population would lose sentence credits that would shorten the inmates' stay. The VCSC stated that although it is possible for inmates to recover part of the eliminated credits through other sentencing credit programs, it is not known how much of the credit will be recovered. Finally, assuming none of the lost sentence credits are recovered, the VCSC estimates that the legislation would require 24 jail beds in FY2004 and 30 jail beds in FY2005. It is estimated that the state's share of the cost for these beds is approximately \$278,831 in FY04 and \$348,539 in FY05.

The Commonwealth pays the localities \$8.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail. It also funds the majority of the jails' operating costs, e.g., correctional officers. The state's share of these costs varies from locality to locality. According to the Compensation Board's most recent Jail Cost Report (FY2001), the estimated total state support for local jails averaged \$31.83 per inmate, per day in FY2001.

9. Specific agency or political subdivisions affected: Compensation Board, Department of Corrections, local and regional jails.

10. Technical amendment necessary: No

11. Other comments: This bill is identical to SB1146.

Date: 03/04/03/jgc

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