

Department of Planning and Budget 2005 Fiscal Impact Statement

1. Bill Number: HB 1542

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: Black

3. Committee: Passed both houses

4. Title: Presumptive denial of bail

5. Summary/Purpose:

Under current law, a magistrate shall grant bail to a person charged with a crime unless there is probable cause to believe that the person will not appear for his hearing and trial or if the release of the person would constitute an unreasonable risk to himself or the public. However, in the case of persons charged with specified offenses or who have specified criminal histories, the law requires the magistrate to presume that such persons are a risk to flee or they pose a threat to public safety and, therefore, deny bail. This presumption is subject to rebuttal before a judge.

One of the circumstance for which presumptive denial of bail is applicable is a person charged with a sexual assault offense, who (i) has been previously convicted of such an offense, and (ii) the magistrate has probable cause to believe committed the offense with which he is charged. The proposed legislation would specify that the provision applied not only to the offenses listed in the Virginia statute, but to any similar offense under the laws of any state or of the United States, as well.

6. Fiscal impact: Final. See Item 8.

7. Budget amendment necessary: See Item 8.

8. Fiscal implications:

To the extent that persons charged with offenses are denied bail, additional people are held in jail waiting trial for longer periods of time. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each person charged with an offense and being held in jail waiting trial. It also funds most of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (FY 2003), the estimated total state support for local jails averaged \$27.42 per inmate, per day in FY 2003.

The legislation could result in additional persons being placed in jails waiting trial. However, there is not enough information currently available to reliably estimate how many

would be affected, but it is unlikely to be very many. Therefore, any additional costs would be minimal.

9. Specific agency or political subdivisions affected:

Compensation Board
Local and regional jails

10. Technical amendment necessary: None.

11. Other comments: None.

Date: 03/02/05 / rwh

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