

## Department of Criminal Justice Services 2006 Fiscal Impact Statement

**1. Bill Number** HB1526ER

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

**2. Patron** Moran

**3. Committee** Passed Both Houses

**4. Title** Probation; placement of certain offenders within community-based

**5. Summary/Purpose:** This legislation proposes to amend and reenact §§ 9.1-173, 9.1-182, 19.2-303.2 and 19.2-303.3 of the Code of Virginia, to expand the section allowing a misdemeanor charge to be discharged and dismissed if the defendant fulfills the terms and conditions of his probation even though the facts justify a finding of guilt. The bill allows discharge and dismissal for any misdemeanor whereas current law includes certain property crimes only. The bill also allows a judge to order successful completion of a community-based corrections program as a term or condition of probation for discharge and dismissal. Under current law a person must be convicted before being sentenced to a community corrections program.

**6. Fiscal Impact Estimates are:** Indeterminate. See Item #8

**7. Budget amendment necessary:** No.

**8. Fiscal implications:** The fiscal implications of this legislation are uncertain. The legislation proposes a number of changes. One portion of the legislation will allow a judge to defer conviction of a misdemeanor offense and ultimately dismiss the charges contingent upon the successful completion of a community corrections program. Under that scenario, the Department of Criminal Justice Services (DCJS) advises that the bill could increase by approximately 30 percent the number of misdemeanants that might utilize local community corrections programs. The department also estimates that the average daily cost of community corrections programming to be approximately \$3 per offender and further advises that 6 months is the average length of time in the program. Those estimates equate to an increase of approximately 10,000 offenders at a cost of \$3 per day for 180 days or \$5.4 million.

However, the legislation also allows judges to discharge or dismiss any misdemeanor charge, whereas currently judges are only allowed to dismiss approximately 24 misdemeanor charges. According to DCJS, this legislation, if passed, will allow the judges to dismiss over 700 additional misdemeanor charges. Theoretically, judges sentencing behavior could reduce the number of offenders sentenced to community corrections programs, which could offset some or all of the additional potential costs noted above. Ultimately, the department cannot

provide an accurate estimate of the number of offenders that will be required to complete community corrections programs because of this legislation.

**9. Specific agency or political subdivisions affected:** Department of Criminal Justice Services and local community based corrections programs.

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

**11. Other comments:** None.

**Date:** 02/28/06 / MEM

**Document:** G:\FIS\06\DCJS\HB1526ER.Doc Michael McMahon

cc: Secretary of Public Safety