

Department of Planning and Budget 2006 Fiscal Impact Statement

1. Bill Number: SB 566

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|------------------------|---------------------------------------|-------------------------------------|--|
| 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: Pre-sentence investigative reports

5. Summary/Purpose:

Generally, probation and parole officers prepare pre-sentence investigations (PSI) reports for judges to use in determining the sentence for persons convicted of a felony offense. These reports include background information about the offender. In some circumstances, current law does not require the preparation of these reports, but gives the judge the discretion to require them. The proposed legislation would make the following changes in the circumstances under which PSIs would be required:

- Waiver by all parties—Current law allows all parties—the court, the defendant, and the Commonwealth’s attorney to waive the PSI. The proposed legislation would eliminate this waiver in all circumstances and authorize it only for a few specified offenses.
- Sex offenses against children--Under current law, the judge has the discretion not to direct the preparation of a PSI if the offense is one of several related to abduction of children with the intent to defile them and there is a plea agreement between the defendant and the Commonwealth’s attorney. The proposed legislation would require the preparation of a PSI for any person convicted of these offenses, regardless of whether there is a plea agreement.

6. Fiscal impact: Final. See Item 8.

7. Budget amendment necessary: No.

8. Fiscal implications:

The proposed legislation could result in an increase in the number of PSIs that probation and parole officers have to prepare. Because PSIs are prepared in most cases now anyway, any increase resulting from this legislation is not expected to have a significant impact on the workload of the probation and parole district offices.

9. Specific agency or political subdivisions affected: Department of Corrections

10. Technical amendment necessary: None.

11. Other comments: None.

Date: 03/22/06 / rwh

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