

Department of Planning and Budget 2006 Fiscal Impact Statement

1. Bill Number SB578

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

2. Patron McDougale

3. Committee Finance

4. Title Presumption of no bail for person charged with certain sex offenses

5. Summary/Purpose:

Under current law, for persons charged with specified crimes, a magistrate shall presume that they are unlikely to appear for trial or they pose a threat to public safety and, thus, deny bail to such persons. This presumption is rebuttal before a judge. Among the list of offenses for which presumptive denial of bail is applicable are aggravated sexual battery and taking indecent liberties with a child, if the accused had been previously convicted of any of a list of specified sexual assault offenses. The proposed legislation would require that bail be presumptively denied for anyone accused of either offense, whether or not the accused had been previously convicted of any of the relevant sexual assault offenses.

6. Fiscal Impact Estimates are: Preliminary. See Item 8.

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2006-07	\$306,357	General
2007-08	\$608,090	General
2008-09	\$687,417	General
2009-10	\$726,350	General
2010-11	\$752,143	General
2011-12	\$781,830	General

7. Budget amendment necessary: Yes. Item 60.

8. Fiscal implications:

According to data provided by the Virginia Criminal Sentencing Commission, the proposed legislation would increase the number of persons denied bail and therefore held in jail pending trial. To assist localities with the costs of operating jails, the state, through the Compensation Board, reimburses them \$8.00 per day for each prisoner held in jail pending trial. The amounts shown in Item 6 are the additional per diem payments that it is projected the state will need to make to local governments as a result of the proposed legislation.

In addition to the additional per diem payments, there may be other additional costs resulting from this bill, but it is not possible to estimate them. The primary potential cost would be the need for additional deputies. The state generally funds additional deputies needed by jails because of overcrowding. The projected increase in prisoners being held pending trial could result in overcrowding in one or more jails, creating the need for additional deputies. However, it is not possible to know in which jails the increase in prisoners awaiting trial will occur or whether the increases will indeed result in overcrowding.

As the Sentencing Commission points out in its analysis, the proposed legislation would likely result in a decrease in the need for state prison beds. This decrease would occur because persons convicted of crimes receive credit toward their sentences for time spent in jail prior to trial. Thus, to the extent that the accused offenders covered by the proposed legislation spend more time in jail before their trials, they would spend less time in prison following their convictions. However, this decrease in the need for prison beds is relatively small, 114 fewer beds by FY 2012, and it is not expected to have a fiscal impact on the Department of Corrections. Because it is projected that there will be more state-responsible inmates than there will be prison beds, the prisons would continue to operate at full capacity after the passage of this legislation.

9. Specific agency or political subdivisions affected:

Compensation Board
Local and regional jails

10. Technical amendment necessary: None.

11. Other comments: None.

Date: 02/02/06 / rwh

Document: G:\LEGIS\Fis-06\SB578.DOC Dick Hall-Sizemore