

Department of Planning and Budget 2007 Fiscal Impact Statement

1. **Bill Number** SB1421

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. **Patron** Herring

3. **Committee** Courts of Justice

4. **Title** Criminal procedure; admission to bail; persons not lawfully present in the United States.

5. **Summary/Purpose:** Adds a presumption, subject to rebuttal, against admitting to bail any person who commits a felony while not lawfully present in the United States. Requires judicial officers, to the extent feasible, to verify with the Law Enforcement Support Center of the Bureau of Immigration and Customs Enforcement of the United States Department of Homeland Security prior to a bail hearing whether a person is a citizen or is otherwise lawfully present in the United States.

6. **Fiscal Impact Estimates are:** PRELIMINARY; See Item 8.

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

8. **Fiscal implications:** Although insufficient data exists to determine the fiscal impact due to the proposal at this time, the proposal is expected to result in more jail time since bail restrictions are imposed.

Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail. 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 2005), the estimated total state support for local jails averaged \$28.35 per inmate, per day in FY 2005.

9. **Specific agency or political subdivisions affected:** Local and regional jails statewide.

10. **Technical amendment necessary:** No.

11. **Other comments:** Nine.

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cc: Secretary of Public Safety