

Department of Planning and Budget

2009 Fiscal Impact Statement

1. Bill Number SB 1380

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

2. Patron Stolle

3. Committee Senate Courts of Justice

4. Title Use of discretionary guidelines for probation revocation

5. Summary/Purpose:

The Virginia Criminal Sentencing Commission has developed worksheets which can be used to determine the appropriate sentence, under the discretionary sentencing guidelines developed by the commission, for a person convicted of a felony criminal offense. Provisions of the Code of Virginia require that the worksheets be prepared for the use of the judge in most felony cases by probation officers. The proposed legislation would require that analogous worksheets, called sentencing revocation report worksheets, be prepared for probation revocation cases in which the defendant was under the direct supervision of the Department of Corrections.

6. Fiscal Impact: Preliminary. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

The sentencing revocation report worksheets will, in most cases, have to be prepared by probation officers. This responsibility will add to the workload of the probation officers, but it is not expected to have a significant impact on them.

The potential primary impact could be a reduction in the number of technical probation violators housed in state prisons. (Technical violators are those offenders on probation whose probation has been revoked, not because of the commission of a new crime, but due to a failure to follow one or more of the conditions of probation.) Approximately 1,000 technical violators are committed to the Department of Corrections each year. The average sentence re-imposed on these technical violators is 23 months.

The preparation of the sentencing revocation report, which includes risk assessment and sentencing guidelines, could result in judges sentencing some of those technical violators, who otherwise would have received prison sentences, to alternatives to prison or to shorter

prison sentences. To the extent that the number of technical violators committed to prison is decreased, the need to construct new prisons will be decreased.

9. Specific agency or political subdivisions affected:

Department of Corrections

10. Technical amendment necessary: None.

11. Other comments: None.

Date: {1/21/2009} rwh

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