

Department of Planning and Budget

2009 Fiscal Impact Statement

1. Bill Number SB 1510

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

2. Patron Ticer

3. Committee Rehabilitation and Social Services

4. Title Good conduct credits in jail

5. Summary/Purpose:

Current law authorizes a system of good conduct credits which offenders may earn toward the reduction of their sentences while confined in local or regional jails:

- Misdemeanants serving 12 months or less—one day for each day served;
- Felony offenders eligible for parole—15 days for each 30 days served;
- Offenders sentenced for felonies committed on or after January 1, 1995 (who are not eligible for parole) —4.5 days for each 30 days served.

The proposed legislation would limit the reference to good conduct credits for felonies committed after January 1, 1995 to those offenders who committed a violent felony.

6. Fiscal Impact: Preliminary. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

It is not clear that the proposed legislation would have any effect on the amount of time that felony offenders would have to serve in prison to satisfy their sentences.

While the bill continues to make violent felony offenders subject to the provisions of § 53.1-202.3, which provides for a sentence credit of 4.5 days per 30 days served, by specifying “violent felony”, rather than “felony” on line 30, it does not specify the sentence credits which an offender convicted of a nonviolent offense committed on or after January 1, 1995 would be eligible for while in jail. The other two categories of offenders addressed by the section—misdemeanants and felony offenders eligible for parole do not include these nonviolent offenders. Therefore, nonviolent offenders would still be eligible for 4.5 days per 30 days served, as provided in §§ 53.1-202.2 and 53.1-202.3, which is the situation in current law.

9. Specific agency or political subdivisions affected:

Department of Corrections

10. Technical amendment necessary: None.

11. Other comments:

It would appear, based on the summary of the bill on the Legislative Information System, that the intent of the proposed legislation would be to “allow nonviolent felons serving time in local correctional facilities to receive good conduct credits at the same rate as local jail inmates.” As noted in Item 8 above, it does not seem that the introduced bill would accomplish that intent, if enacted. To do so, it seems that there needs to be a new sentence added to the bill. That sentence would override §§ 53.1-202.2 and 53.1-202.3 and stipulate the sentence credits that could be earned while serving time in jail by an offender who had been convicted of a nonviolent felony committed on or after January 1, 2009.

Date: {2/5/2009} rwh

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