

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 Militia, Police, and Public Safety

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 increase the good conduct credits that could be earned, while confined in jail, by an offender convicted of a nonviolent felony committed on or after January 1, 1995. Such an offender could earn five days for each 30 days served. Offenders convicted of a violent felony would still earn 4.5 days for each 30 days served.

6. Fiscal Impact estimate: Preliminary. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

The additional half-day credit for each 30 days served provided to nonviolent felons would result in somewhat shorter stays in jail for those offenders who served their entire sentences in jail, rather than being transferred to Department of Corrections (DOC) facilities. Such shorter stays would result in savings for the Commonwealth because the state reimburses localities \$8 per day or \$14 per day, depending on the length of the sentence and length of stay, for each convicted felon housed in jails. There is not sufficient information available to project the possible savings.

The additional half-day credit would also be available to non-violent felons who were transferred to DOC facilities, but only for the time that they were confined in jail. This

additional credit would reduce the amount of time they would be confined by DOC, but it is not feasible to project the possible bed savings.

9. Specific agency or political subdivisions affected:

Department of Corrections
Compensation Board
Local and regional jails

10. Technical amendment necessary: None.

11. Other comments:

Sections 53.1-202.2 and 53.1-202.3 of the Code of Virginia restrict, to 4.5 days per each 30 days served, the number of sentence credits that can be earned in a “state or local correctional facility” by anyone convicted of any felony offense committed after January 1, 1995. It would seem that the proposed legislation would be in conflict with these other Code sections. To avoid confusion as to which provisions would prevail, it seems that the proposed legislation should explicitly override the provisions of §§ 53.1-202.2 and 53.1-202.3 insofar as they pertain to non-violent felony offenders committed to jail confinement.

Date: {2/16/2009} rwh

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