

Department of Planning and Budget 2012 Fiscal Impact Statement

1. Bill Number: SB 111

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Howell

3. Committee: Passed Senate

4. Title: Sanctions with Unified Rapid Enforcement (SURE)

5. Summary:

The proposed legislation would establish a new sentencing option for nonviolent felony offenders who violate the conditions of their probation supervision to be tested in up to ten jurisdictions selected by the Virginia Criminal Sentencing Commission. The provisions of the legislation would be effective only in those jurisdictions.

If an offender on probation has been referred to court for a hearing on the revocation of his or her probation due to violation of one or more conditions of his probation, the court, after again suspending all or part of the sentence, may, with the consent of the offender and the attorney for the Commonwealth, place the offender in the Sanctions with Unified Rapid Enforcement (SURE) program as a condition of probation.

Offenders participating in the SURE program are subject to immediate and certain sanctions for violations of the conditions of probation supervision. If a probation and parole officer has probable cause to believe that an offender has violated any provision of supervision, the officer must immediately have the offender arrested. The offender must be brought before the court within 48 hours of being taken into custody. Unless the offender, the attorney for the Commonwealth, or the court objects, the court shall conduct a SURE expedited hearing. If the court finds good cause to believe that the conditions of probation have been violated, it must impose a sentence based on the following schedule:

- a. For the first violation, 3 to 10 days in jail;
- b. For the second violation, 10 to 20 days in jail;
- c. For the third violation, 20 to 30 days in jail; and
- d. For the fourth violation, 30 days to 90 days in jail.

The court may not suspend any sentence in whole or in part and no sentence may be reduced by credits earned by being in jail awaiting the hearing. Furthermore, the sentence may not be served on work release or home electronic monitoring.

After completing a sentence for a fourth violation of the conditions of supervision under SURE, the court may have the offender assessed for addiction to, or dependence on, controlled substances. If the assessment indicates that the offender is addicted to controlled

substances, the court shall provide the offender the option to enter a drug treatment court program of another substance abuse treatment program. Otherwise, the offender is placed back under regular probation supervision. Any subsequent violation of a condition of probation would make the offender subject to having his or her probation revoked and the remainder of the sentence imposed.

6. Budget Amendment Necessary: No. The introduced budget includes funding for this proposal.

7. Fiscal Impact Estimates: Preliminary. See Item 8.

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2013	\$924,288	12	General
2014	\$924,288	12	General
2015	\$924,288	12	General
2016	\$924,288	12	General
2017	\$924,288	12	General
2018	\$924,288	12	General

8. Fiscal Implications:

The Department of Corrections (DOC) will be the agency most affected by the legislation. Offenders participating in SURE will be subject to more frequent drug testing, which will be an added cost. Also, probation and parole officers will be required to spend more time with SURE participants supervising them, ensure their quick arrest when conditions of probation are violated, and make more frequent court appearances. To handle the extra workload in the pilot sites, it is projected that DOC will need at least 12 additional probation and parole officers. The cost of these additional officers and the cost of additional drug testing are reflected in the fiscal impact shown in Item 7.

The required jail sentences for SURE participants who violate the terms of their probation may initially result in a noticeable increase in the number of persons held in jails. In addition to possibly causing crowding problems for some jails, this increase in jail inmates will have a fiscal impact on the state. A provision of the introduced budget bill directs the Compensation Board to reimburse jails \$12 per day per SURE inmate housed. Because the program has not been used in Virginia before, it is not known how many offenders will be assigned to the SURE program, or how many days they are likely to spend in jail as a consequence of violating conditions of their probation. Therefore, the potential increase in per diem payments to jails cannot be estimated. Experience with programs comparable to SURE in other jurisdictions has shown that, over time, the amount of time spent in jail by probation violators actually decreases.

9. Specific Agency or Political Subdivisions Affected:

Department of Corrections
Compensation Board
Local and regional jails
Circuit courts

10. Technical Amendment Necessary: None.

11. Other Comments: Similar to HB 1126.

Date: 2/10/2012

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