

## Department of Planning and Budget 2013 Fiscal Impact Statement

**1. Bill Number: HB 1311**

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

**2. Patron: Hope**

**3. Committee: Passed both houses**

**4. Title:** Appeal of bond decisions

**5. Summary:**

Under current law, a judicial decision to grant or deny bail may be appealed by the defendant or the Commonwealth's attorney, as the case may be, to the next higher court. The proposed legislation authorizes the court granting or denying bail, upon appeal of the order, to stay execution of its order to enable the appealing party to obtain an expedited hearing upon the appeal. However, no such stay may be granted after any defendant who has been granted bail has been released from custody on such bail.

Likewise, the legislation would authorize a court that had ordered an increase in the amount of bond required of a defendant to stay execution of that order to enable the defendant to obtain an expedited hearing on an appeal of the order to increase the bond amount.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Final. See Item 8 below.

**8. Fiscal Implications:**

Being able to stay orders to deny bail pending an expedited hearing on the order may result in defendants being released because of an expedited hearing on the appeal of the order. To the extent that fewer defendants are held in jail awaiting trial, the Commonwealth will realize a savings because the state reimburses local and regional jails \$4.00 per day for such defendants. However, it is not feasible to estimate the extent of savings, if any, the state might realize as a result of this legislation.

**9. Specific Agency or Political Subdivisions Affected:**

Compensation Board  
Local and regional jails

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** None.

**Date:** 2/28/2013

**Document:** G:\LEGIS\fis-13\hb1311er.docx Dick Hall-Sizemore