

Department of Planning and Budget 2014 Fiscal Impact Statement

1. Bill Number: SB 661

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

2. Patron: Puckett

3. Committee: Rehabilitation and Social Services

4. Title: Eligibility for parole

5. Summary:

Under current law, persons convicted of felony offenses committed on or after January 1, 1995 are not eligible for parole. Such offenders may earn sentence credits that will reduce their actual time served up to 15 percent, with the result that all offenders sentenced to prison must serve at least 85 percent of their sentence before being released.

The proposed legislation would make all offenders convicted of a nonviolent offense committed on or after January 1, 1995 and sentenced to a term in prison eligible for parole. The legislation would establish the following schedule for parole eligibility:

1. Offenders committed to prison for the first time—after serving one-half of sentence.
2. Offenders committed to prison a second or subsequent time—after serving three-fourths of sentence.

In addition, if an offender had served at least one-half of his sentence, but was not yet eligible for parole, the Parole Board would be required to consider him for parole if the director of the Department of Corrections recommended him as a suitable parole risk and whose interests and those of society would be served by his early parole release.

The proposed legislation would require the Parole Board to review and consider for parole each eligible offender at least annually, except for any offender that has a life sentence or 10 years or more remaining on his sentence. In the latter cases, the board would be able to schedule the next review for three years thereafter.

The proposed legislation authorizes the Parole Board to release upon parole any eligible offender if the board, after a thorough review of the inmate's history, physical and mental condition, and character and his conduct, employment, and attitude while in prison, determined that the release would be compatible with the interests of society and the inmate. Any offender granted parole would be subject to at least six months' supervision and any other conditions specified by the board.

Finally, the proposed legislation sets out procedures for the Parole Board to use in dealing with offenders who violate any of the conditions of their parole. Also, the legislation amends numerous existing Code of Virginia sections to make them consistent with the proposed parole provisions.

6. **Budget Amendment Necessary:** Yes. Item 417.
7. **Fiscal Impact Estimates:** Indeterminate. See Item 8 below.
8. **Fiscal Implications:**

Currently, there are approximately 4,000 offenders housed in the state's correctional facilities that are eligible for parole. According to data from the Department of Corrections (DOC), as of December 31, 2013, there were 36,988 state responsible offenders confined in state facilities or jails. Of that number, 22,914 have only nonviolent offenses and would be eligible for parole under the provisions of the proposed legislation. Forty percent of those offenders (9,129) would be eligible on or before June 30, 2014. Another 4,867 would become eligible by the end of July 2015. In addition to the currently confined population, there will be new offenders committed to DOC each year who would be eligible for parole under the provisions of the proposed legislation. DOC projects that annually there will be approximately 9,700 such offenders and almost 7,400 of them would be eligible for parole within two years of their commitment to DOC. These increases in parole-eligible inmates would have significant fiscal effects, some of which would be long-term and not feasible to project with any reasonable degree of certainty.

Immediate additional costs

Department of Corrections

DOC maintains an automated system, CORIS, which it uses to calculate the length of time to be served by offenders based on court orders and their release dates. This system is also used by the Parole Board to track offenders eligible for parole and to collect and store data related to parole-eligible inmates. To implement the provisions of the proposed legislation, DOC would need to update CORIS to incorporate the proposed parole eligibility provisions. The department estimates that the cost of this re-programming would be \$150,000.

DOC would also need additional probation and parole officers to supervise the additional offenders being released from prison on parole before completing their sentences. Because it is not possible to project how many additional offenders would be released on parole, this additional cost is indeterminable now. As a frame of reference, the average caseload of a probation and parole office is 70 offenders and the annual cost of an entry level officer is \$52,921.

Parole Board

Under the provisions of the proposed legislation, the workload of the Parole Board would be more than triple its current size. The board consists of five members appointed by the Governor, two of which are part-time. To deal with the increased workload that would result from the proposed legislation, all members of the board would need to be full-time. The annual cost of elevating the two part-time members to full-time status would be \$170,959. The board uses parole examiners to prepare background information on offenders eligible for parole and to conduct many of the parole reviews and make recommendations regarding parole. To handle the proposed increase in the workload, the board would need three additional parole examiners, at an annual cost of \$221,565.

Long-term savings

The proposed legislation would result in a reduction in the number of state-responsible offenders housed in state and local correctional facilities, thereby reducing costs to the state. However, there is not enough information available at this time to project with any reasonable certainty the extent of these reductions and savings.

Currently, the only offenders eligible for parole are those who committed their offenses before January 1, 1995. The vast majority of these offenders committed serious violent offenses and received long sentences. The Parole Board grants parole to only a small number of offenders each year. Under the provisions of the proposed legislation, the population of offenders eligible for parole would grow significantly and would be comprised of a large number of offenders who committed nonviolent offenses and received relatively short sentences. It is reasonable to assume that the number of offenders released from prison each year on parole before the end of their sentences would increase significantly, but without any history as a guide, it is not possible to project now how many would be released.

Currently, there are approximately 5,000 state-responsible inmates housed in local and regional jails because DOC does not have sufficient prison bed-space to house them. The state reimburses the localities \$12 per day to house these inmates, an annual cost of \$4,380 per inmate. If the proposed legislation were enacted, some of those state-responsible inmates housed in jail would be released earlier as a result of parole, thereby reducing the per diem costs for the state. Also, DOC would be able to transfer more to state facilities as beds would be freed up at a faster rate due to more inmates being released on parole. At some point, if the need for prison beds were reduced sufficiently, it might be possible for DOC to close a prison. The cost of operating a 1,000-bed prison is \$23-25 million annually. However, as described earlier, it is not possible now to project the amount of savings in per diem costs or prison operating costs that would result from the implementation of the proposed legislation.

9. Specific Agency or Political Subdivisions Affected:

Department of Corrections
Parole Board

Local and regional jails

10. Technical Amendment Necessary: None.

11. Other Comments:

Because it would take DOC about a year to execute the programming changes in CORIS that would be needed to implement the provisions of the proposed legislation, it would be advisable to delay the effective date of the legislation to July 1, 2015.

Date: 1/23/2014

Document: G:\LEGIS\fis-14\sb661.docx Dick Hall-Sizemore