

Department of Planning and Budget

2016 Fiscal Impact Statement

1. Bill Number: SB4E

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

2. Patron: Stanley

3. Committee: Rehabilitation and Social Services

4. Title: Weekend jail time; replaces the provision limiting nonconsecutive days.

5. Summary:

Under current law, for a person convicted of a misdemeanor, traffic offense, or failure to pay child support, and for whom a jail sentence has been imposed, a court may allow the offender to serve his or her sentence on weekends or nonconsecutive days to permit the offender to retain employment. An offender sentenced to weekends or nonconsecutive days would be required to pay an amount to help defray the cost of housing him or her. The funds collected would be remitted to the locality or regional jail board.

The proposed legislation would make several changes to the existing law, as follows:

1. Expand eligibility to include individuals convicted of nonviolent felonies, as long as the Commonwealth does not object.
2. Eliminate the condition that the sentence be intended to allow the offender to retain employment and authorize the court to allow the weekend sentence for good cause; and
3. Restrict the period during which a sentence could be served on weekends or nonconsecutive days to the last 120 days of an offender's sentence.

6. Budget Amendment Necessary: None.

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

8. Fiscal Implications: The state reimburses localities a portion of the cost of housing offenders in local and regional jails through a per diem payment for each offender. The proposed legislation would not change the per diem amount or affect the total number of days any offender would be housed in a local or regional jail. Therefore, it would not have any fiscal impact on the state.

By expanding the eligibility for sentences to be served on weekends or on nonconsecutive days and by restricting the portion of an offender's sentence during which such sentences could be served, the legislation could result in increased bed management issues for sheriffs or regional jails. For example, if a jail housed a relatively large number of "weekenders" there might be overcrowding on the weekends. There is an increase in deputy workload as

every inmate is required to be processed each time they enter and exit the local or regional jail facility.

9. Specific Agency or Political Subdivisions Affected: Local and regional jails, courts, the Compensation Board.

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 1/28/2016- SB4E.docx(NCS)