

Department of Planning and Budget 2017 Fiscal Impact Statement

1. Bill Number: HB 1647

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

2. Patron: Loupassi

3. Committee: Passed both houses

4. Title: Waiver of presentence reports

5. Summary:

The current law establishes a process for the preparation of presentence investigation (PSI) reports for the use of the court in determining the appropriate sentence in criminal cases. The reports include the criminal history of the offender, as well as any other information that might be relevant for the court to consider. For numerous specified offenses, the law provides the court some discretion in ordering PSIs. The proposed legislation would make the following changes in those provisions:

Circumstance	Current Law	Proposed Legislation
Defendant pleads guilty without plea agreement	Court shall order PSI	Expands provision to cover cases in which defendant pleads nolo contendere. Would not mandate PSI if waived by defendant and attorney for the Commonwealth.
Defendant found guilty by court after a plea of not guilty	Court shall order PSI	Expands provision to cover cases in which defendant pleads nolo contendere. Would not mandate PSI if waived by defendant.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications:

The PSI is prepared by the probation and parole district office serving the court. By expanding the discretion of courts not to order PSIs in certain situations, the proposed legislation could result in a reduction in the caseload of those probation officers assigned to

prepare them. There is not enough information available to project the extent to which the required waivers would be granted and whether courts would accordingly dispense with ordering a PSI. Therefore, it is not possible to project the effect on probation officers' caseloads that would result from the proposed legislation.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/13/2017