

Department of Planning and Budget 2017 Fiscal Impact Statement

1. Bill Number: SB851

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: Stanley

3. Committee: Senate Committee on Rehabilitation and Social Services

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

5. Summary:

The proposed legislation amends the provision limiting nonconsecutive days in jail for the purpose of allowing the defendant to retain gainful employment with a good cause standard and allows the court to sentence the defendant to nonconsecutive days in jail only if the active portion of the sentence remaining to be served is 90 days or less. If there is no objection from the Commonwealth, the court may sentence felons to nonconsecutive days in jail if the felony was not an act of violence as defined in § 19.2-297.1

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary (see Item #8)

8. Fiscal Implications: Under current law, a person convicted of a misdemeanor, traffic offense, or failure to pay child support, and for whom a jail sentence is imposed, may be allowed by the court 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. The funds collected would be remitted to the local or regional jail.

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 90 days of an offender's sentence.

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 could be 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, and the Compensation Board.

10. Technical Amendment Necessary: No

11. Other Comments: None