

Department of Planning and Budget

2018 Fiscal Impact Statement

1. Bill Number: HB 188

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

2. Patron: Collins

3. Committee: Senate Courts of Justice

4. Title: Reduction of sentence

5. Summary:

Under current law, a court may reduce a sentence after a person has been convicted and sentenced if the offender is still in jail and has not been transferred to the custody of the Department of Corrections.

The proposed legislation would authorize a sentencing court, upon motion of the Commonwealth's attorney, to reduce an offender's sentence if the offender, after entry of the final judgment order, provided substantial assistance in investigating or prosecuting another person for the following offenses: murder, mob crimes, kidnapping, malicious assault or bodily wounding, robbery, carjacking, sexual assault, arson, or drug distribution. The provision would apply to conspiracies to commit those offenses, principals in the second degree, and accessories before the fact, as well as to principals. If the motion is made more than one year after the final judgment order, the proposal authorizes the reduction in sentence only if the offender's assistance involved information that either (i) was not known to the offender until more than one year after the final judgment order, (ii) did not become useful to the Commonwealth until more than one year after the final judgment order, or (iii) its usefulness could not have been anticipated by the offender until more than one year after the final judgment order.

6. Budget Amendment Necessary: None.

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

8. Fiscal Implications:

The proposed legislation could result in the need for fewer prison beds due to reductions in the sentences of persons convicted of felonies and sentenced to prison. However, because it is not possible to know how often and to what extent sentences would be reduced, the amount of bed-space reduction that might result cannot be projected.

9. Specific Agency or Political Subdivisions Affected:

Department of Corrections
Circuit Courts

10. Technical Amendment Necessary: None.

11. Other Comments: Similar to SB 35.