Department of Planning and Budget
2018 Fiscal Impact Statement

1. Bill Number: SB 35

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

2. Patron: Stanley

3. Committee: House 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 sentencing, 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. If the motion is made more than one year after the original sentencing, 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 sentencing, (ii) did not become useful to the Commonwealth until more than one year after the sentencing, or (iii) its usefulness could not have been anticipated by the offender until more than one year after the sentencing.

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: None.