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SENATE JOINT RESOLUTION NO. 9

Offered January 8, 2020

Prefiled December 4, 2019

Directing the Joint Legislative Audit and Review Commission to study the reinstatement of discretionary parole. Report.

Patrons—Marsden; Delegate: Kory

Referred to Committee on Rules

WHEREAS, Virginia abolished discretionary parole in 1995; and

WHEREAS, the number of prisoners under the jurisdiction of federal or state correctional authorities in Virginia in 1994, prior to the abolition of discretionary parole, totaled 26,192 and the most recent Department of Corrections statistics show that the number of responsible offenders incarcerated in Department of Corrections institutions in March 2019 totaled 30,073; and

WHEREAS, Virginia spends approximately \$32,000 on each inmate, a figure that increases annually, and health care costs of aging inmates are expected to continue increasing the overall cost per inmate; and

WHEREAS, 34 states have retained the function of parole release; and

WHEREAS, between 1989 and 2000, only nine states abolished parole and none have abolished parole since 2000; and

WHEREAS, discretionary parole can help to balance jurisdictional differences in arrests, prosecutions, and sentencings for the same offense; and

WHEREAS, parole can provide important monitoring tools for supervision of offenders released into the community as well as help to transition offenders from prison to the community; and

WHEREAS, the 2015 Governor's Commission on Parole Review was unable to discuss or review numerous issues related to parole due to time restrictions and did not address reinstating discretionary parole; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Legislative Audit and Review Commission be directed to study the reinstatement of discretionary parole.

In conducting its study, the Joint Legislative Audit and Review Commission shall (i) review the overall costs, benefits, and logistics of reinstating discretionary parole; (ii) compare the growth in crime and the growth in incarcerated state-responsible inmates in states that have retained discretionary parole release with corresponding rates in Virginia; (iii) review the increased prison population in Virginia since the abolition of discretionary parole and the costs associated with the increase in prison population; (iv) assess the potential cost savings of the reinstatement of discretionary parole in relation to current and past incarceration costs in Virginia and compare the costs of incarceration and parole with other states that currently have discretionary parole; (v) assess the current number of inmates and types of offenses that would be potentially appropriate for release on parole; (vi) assess the potential impacts discretionary parole can have on an offender's supervision once released and the offender's transition back into the community, including review of other states that still have discretionary parole and comparison of recidivism data among other states that still have discretionary parole and Virginia; and (vii) provide recommendations on the appropriate structure of discretionary parole, if it were to be reinstated, given the current sentencing procedures in Virginia and changes to the law since 1995.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Virginia Parole Board. All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings by November 30, 2020, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2021 Regular Session of the General Assembly. The executive summary shall state whether the Joint Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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