

## Department of Planning and Budget 2020 Fiscal Impact Statement

**1. Bill Number:** HB33

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:** Lindsey

**3. Committee:** Committee Referral Pending

**4. Title:** Parole; exception to limitation on the application of parole statutes.

**5. Summary:** The 1994 General Assembly Special Session II abolished parole for offenses committed on or after January 1, 1995. On June 9, 2000, the Virginia Supreme Court ruled that the jury in a noncapital criminal case should be instructed that parole had been abolished in Virginia (*Fishback v. Commonwealth*, 260 Va. 104). The proposed legislation would make eligible for parole any person still incarcerated who was sentenced by a jury prior to June 9, 2000, for an offense committed on or after January 1, 1995 and the jury was not instructed on the abolition of parole, and who remains incarcerated for such offense on July 1, 2020. This bill also requires the Parole Board to establish procedures consistent with this provision.

**6. Budget Amendment Necessary:** No

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

**8. Fiscal Implications:** According to the Sentencing Commission, as of November 2019, approximately 311 offenders may be eligible for parole under the parameters set forth in this bill. The Virginia Parole Board (VPB) reports that a number of these individuals are already under review due to eligibility under geriatric conditional release. According to the VPB, due to the decline in the discretionary parole population and certain internal agency efficiencies adopted, the agency is able to absorb any workload as a result of this bill within existing resources.

**9. Specific Agency or Political Subdivisions Affected:** Virginia Parole Board; Department of Corrections.

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None