

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB85

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: Carter

3. Committee: Courts of Justice

4. Title: Death penalty; abolishes penalty, including those persons currently under a death sentence.

5. Summary: Under current law, an offender convicted of a Class 1 felony who was at least 18 years of age at the time of the offense and is determined not to have an intellectual disability may be sentenced to either death or life imprisonment. This proposal amends numerous statutes in the Code of Virginia to eliminate death as a penalty for Class 1 felonies and to remove references to the punishment of death from related statutes. Under the proposed changes, an offender convicted of a Class 1 felony must be sentenced to imprisonment for life and would be ineligible for parole, good conduct allowance, earned sentence credits, or conditional release under § 53.1-40.01, which pertains to geriatric offenders. The provisions of the proposal would apply to Class 1 felonies sentenced on or after July 1, 2020. Any person who received a sentence of death before July 1, 2020 and who has not been executed by that date would have his sentence changed to life imprisonment and would be ineligible for parole, good conduct allowance, sentence credits, or conditional release. In addition, the proposal removes the requirement for the Department of Forensic Science to store, preserve, and retain evidence specific to cases where the death penalty is imposed.

6. Budget Amendment Necessary: Yes, Item 402.

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

8. Fiscal Implications: According to the Department of Corrections, there were two Virginia inmates serving death sentences as of December 9, 2019. The Virginia Criminal Sentencing Commission (VCSC) reports that, according to the Circuit Court Case Management System (CMS) for FY 2014 through FY 2019, 38 offenders were convicted of a completed act of capital murder under § 18.2-31 (aggravated murder). Of these, 36 were given a sentence of life in prison. For the remaining two offenders, the court suspended the life sentence and ordered prison terms of 36 and 38 years, respectively.

Pursuant to §30-19.1:4 of the Code of Virginia, the Virginia Criminal Sentencing Commission estimates a fiscal impact of \$72,630. The amount is based on the projection that the legislation will result in the need for two additional prison beds. This legislation will not affect local-responsible (jail) bed space needs.

According to the Department of Forensic Science, this bill is not expected to impact agency operations.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections,
Department of Forensic Science

10. Technical Amendment Necessary: None

11. Other Comments: None