

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: SB736 S1

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

2. Patron: Obenshain

3. Committee: Committee on the Judiciary

4. Title: Community service work in lieu of payment of fines and costs.

5. Summary: Under current law, the court is required to establish a program and may provide an option to any person for discharging all or part of such fines or costs imposed upon him by earning credits for community service work before or after imprisonment. Under the substitute bill, a court may permit an inmate to earn credits toward any fines and court costs by performing community service during imprisonment consistent with §19.2-316.4 (eligible for participation in community corrections), §53.1-59 (prisoner or perform work for localities), §53.1-60 (work and educational programs) §53.1-128 (authorized workplaces), §53.1-129 (order permitting prisoners to work), and §53.1-131 (release of prisoners from confinement for employment, educational or other rehabilitative programs).

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: By expanding the opportunity for offenders to earn credits toward fines and costs owed, the legislation could result in less revenue for the Literary Fund, to which fines are deposited, and the court system, which collects court-ordered costs. However, because it is not possible to project how many offenders the courts would authorize to perform community service work while incarcerated in jails or the amount of credit toward fines and costs that would be earned, the amount of revenue loss cannot be determined.

According to the Department of Corrections DOC the agency's current pay and trust system, which tracks offender wages, does not distinguish between paid and community service work. The DOC reports that, although making the necessary modifications to the system may not have a significant fiscal impact, the modifications would likely take up to a year to program, test, and implement.

The impact this bill may have on local correctional facilities is not known at this time.

9. Specific Agency or Political Subdivisions Affected: Circuit and district courts, court clerks, Department of Corrections, local and regional jails

10. Technical Amendment Necessary: None

11. Other Comments: This bill is identical to HB277 H1.