

Department of Planning and Budget
2020 Special Session I - Fiscal Impact Statement

1. Bill Number: HB5035

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: Miyares

3. Committee: Committee Referral Pending

4. Title: Conditional release of geriatric prisoners; exceptions.

5. Summary: Under current law, any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony, who is 65 years of age or older and has served at least five years of the sentence imposed or who is 60 years of age or older and has served at least 10 years of the sentence imposed may petition the Virginia Parole Board for conditional release. This bill excludes anyone who is serving a sentence imposed for a conviction of first degree murder or for a sexually violent offense, if the offense resulting in such conviction occurred on or after January 1, 2021, from petitioning the Parole Board for geriatric conditional release. The exclusion does not apply to any person who is serving a life sentence for any crime other than homicide and who was under the age of 18 at the time of the commission of the offense.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: Based on analysis of New Court Commitments for FY 2018, the Department of Corrections (DOC) estimates that this bill may result in 29 offenders who would no longer be eligible to petition for geriatric conditional release each year. However, according to data provided by DOC, a total of 2,436 offenders petitioned the Parole Board for geriatric conditional release between FY 2016 and FY 2019 and on average only granted 4.9% of those requests. Assuming that the Parole Board continues granting petitions at this rate, DOC estimates that this bill would only result in 1 to 2 offenders who would otherwise have been able to petition and may have been granted parole by the Parole Board. As such, it is unlikely that this bill will significant impact on the DOC. The bill is not expected to have fiscal impact on the Parole Board.

According to the Virginia Criminal Sentencing, Given the prospective (rather than retroactive) application of the proposal, felony case processing time in circuit courts (which averages about 11 months), and the Parole Board's low grant rate for geriatric release, designating certain future inmates as ineligible for geriatric release is unlikely to have an impact on state prison bed space needs during the six-year period specified by § 30-19.1:4 for legislative impact statements.

The bill is not expected to have an impact on local jail bed space needs.

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

10. Technical Amendment Necessary: No

11. Other Comments: None