

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

1. Bill Number: SB5050ES1

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Obenshain

3. Committee: Senate Committee on Rehabilitation and Social Services

4. Title: Parole; notice and certification, monthly reports, discretionary early consideration.

- 5. Summary:** The proposed legislation adds electronic to the approved means of providing pre-release notification to a Commonwealth's attorney in jurisdiction where the inmate was sentenced. It also requires that upon receiving notice from the chairman of the Virginia Parole Board that the proper notification has been made to the attorney for the Commonwealth following a decision to grant parole to any prisoner, the Department of Corrections shall set the release date for such prisoner no sooner than 21 business days from the date of notification. The proposed legislation provides that the Board publish on the last day of every month a statement regarding the action taken by the Board on the parole of prisoners. In addition to a list with the name of each prisoner considered for parole, the statement must also include the offenses of which the prisoner was convicted, the jurisdictions in which such offenses were committed, and the amount of time the prisoner has served. If parole was granted to a prisoner, his name must also be included on the statement published on the last day of every month only if the attorney for the Commonwealth and any victims have been notified of such decision to grant parole prior to the statement's publication; otherwise, such prisoner's name must be included on the statement published the following month.

Currently, a person cannot be released on parole by the Board until an investigation has been made into the prisoner's history, physical and mental condition and character and his conduct, employment and attitude while in prison. It also requires the Board to notify a victim informing the victim that they may submit to Board evidence concerning the impact that the release of the prisoner will have on such victim. This notification is to be sent to the last address provided to the Board by any victim of a crime for which the prisoner was incarcerated. The bill requires the notification be sent to the attorney for the Commonwealth and the director of the victim/witness program, if one exists, of the jurisdiction in which the offense occurred.

Additionally, under the proposed bill, the victim of a crime for which the prisoner is incarcerated may submit a request in writing or by electronic means to the Board to be notified of (i) the prisoner's parole eligibility date and mandatory release date as determined by the Department of Corrections, (ii) any parole-related interview dates, and (iii) the Board's decision regarding parole for the prisoner.

6. **Budget Amendment Necessary:** Yes, Item 429.
7. **Fiscal Impact Estimates:** Preliminary (see Item 8 below).
8. **Fiscal Implications:** According to the Parole Board (Board), the proposed legislation requires both: (1) a change in the reporting system currently populated on a monthly basis on the Parole Board's website; and that (2) during the investigation prior to the release of a prisoner, notification be provided to the Commonwealth's Attorneys and Victim Witness Directors responsible for the jurisdiction in which the prisoner's offense occurred.

The Board reports that the monthly report change includes several new categories that will need to be programmed and then entered into a Department of Corrections (DOC) custom database reporting system. These categories are: jurisdiction, offense, amount of time served, and basis for the granting of parole. According to DOC, the required programming change to the reporting system for purposes of producing the monthly report will require a minimum of 120 hours of work at a rate of \$160 per hour, for a total one-time cost of \$19,200. DOC provided additional information and reports that it is able to absorb this cost within its existing resources.

Currently, the Board is required to notify a victim that he or she may submit evidence to the Board concerning the impact that the release of a prisoner will have on such victim. This notification is to be sent to the last address provided to the Board by any victim of a crime for which the prisoner was incarcerated. The proposed legislation requires the Board to also send the notification to the Attorney for the Commonwealth and the Director of the Victim/witness program, if one exists, of the jurisdiction in which the offense occurred. Currently, victims are notified via a separate DOC database system. According to the Board, the database, will require re-programming to implement the legislation. The cost for programming this internal database is estimated to result in a one-time cost of approximately \$30,000 to the DOC. DOC provided additional information and reports that it is able to absorb this cost within its existing resources.

According to the Board, currently, approximately 2,500 cases are considered for parole each year. Approximately 8 – 12 percent of offenders considered for parole are granted parole. The Board believes the monthly reporting requirement is likely to increase their workload requiring one-part time administrative position. The cost for this position will be \$39,023 annually.

9. **Specific Agency or Political Subdivisions Affected:** Virginia Parole Board; Department of Corrections, state and local law-enforcement agencies, Courts, local jails, Commonwealth's Attorneys.
10. **Technical Amendment Necessary:** No.
11. **Other Comments:** None.