

## Department of Planning and Budget 2021 Fiscal Impact Statement

**1. Bill Number:** SB1125E

**House of Origin**     Introduced       Substitute       Engrossed  
**Second House**     In Committee     Substitute       Enrolled

**2. Patron:** Obenshain

**3. Committee:** Finance and Appropriations

**4. Title:** Parole Board; notice of parole of prisoner to victim.

- 5. Summary:** The proposed legislation requires the Parole Board, within seven days of making any decision regarding the parole of a prisoner, to provide written or electronic notice of such a decision to the victim of the crime for which the prisoner was incarcerated, unless the victim has submitted a written request to forgo such notice. The bill also amends § 53.1-155 and provides that the Board must provide notice to the victim of a crime for which the prisoner is incarcerated of all decisions made by the Board regarding parole for the prisoners unless requested otherwise pursuant to § 53.1-136.

The engrossed version of the proposed legislation includes amendments proposed by the Committee on Rehabilitation and Social Services which: changes § 53.1-136(d) to establish that nothing in the subdivision is to be construed to delay the date which a prisoner is scheduled to be released on parole; and adds § 53.1-136(8)(a) stating that the definition of victim means the same as that term is defined in § 19.2-11.01.

- 6. Budget Amendment Necessary:** See Item 8 below. The amended budget (HB1800/SB1100) includes funding and one position (\$61,065) in the second year in Item 429 to convert a part-time Victim Service Assistant to a full-time position.

**7. Fiscal Impact Estimates:** Preliminary (see Item 8 below).

- 8. Fiscal Implications:** The proposed legislation requires the Board to notify a victim of the crime for which a prisoner was incarcerated, within seven days of making any decision regarding the parole of a prisoner, in either written or electronic form, unless the victim has submitted a written request to the Board to forgo such notice.

The Board uses the Department of Corrections' Victim Information and Notification Everyday (VINE) system. VINE provides notification alerts to victims of an offender's custody change events, including release, transfer, escape, return, death, parole events, and notice prior to the offender's release date. The Board reports that while some victims are registered in VINE, many are not, and locating victims for whom contact information is not readily available or has not been updated in VINE, is a resource-intensive task. According to

the Board, victim notification letters are sent to victims that are not registered in VINE or have elected to only be notified when the Board is likely to grant parole.

While the Board has one Victim Services Coordinator, partially funded by a federal grant, and one part-time Victim Services Assistant dedicated to this task, it has found it necessary to reassign other personnel in order to provide assistance with this workload. Furthermore, the Board expects this workload to continue to increase as data from the Department of Corrections (DOC) indicates that an average of 305 additional offenders per year are due to become eligible for parole beginning in FY 2022 through FY 2026.

Item 429 in the Governor's proposed budget (HB1800/SB1100) includes \$61,065 in ongoing general fund resources to convert the existing Victim Services Assistant position to a full-time position, thereby providing additional resources to address the existing workload associated with locating and notifying victims.

The Board reports that in order to locate victims, and process the notification within seven days, given the number of prisoners who are eligible for parole consideration, it may need one additional full-time Victim/Witness Coordinator to support this effort. The annual estimated cost for this position is \$71,138 (salary and benefits).

Furthermore, the Board also reports that locating victims will also require a program subscription to LEXIS/NEXIS, which would provide computer assisted legal research and access to an electronic database for legal and public-records related information, to research and locate victims for notification. According to the Board, the subscription fee for this service is approximately \$24,000 per year (\$2,000 per month).

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

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.