

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: HB1458

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Ballard

3. Committee: Public Safety

4. Title: Conditional release of geriatric prisoners.

5. Summary: Under current law, any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony, (i) who has reached the age of sixty-five or older and who has served at least five years of the sentence imposed or (ii) who has reached the age of sixty or older and who has served at least ten years of the sentence imposed may petition the Parole Board for conditional release.

This bill expands the list of offenses, committed on or after July 1, 2023, that would make a person ineligible for parole to include certain violent felony offenses enumerated in the bill and certain second or subsequent felony violations when such offenses were not part of a common act, transaction, or scheme while the person was at liberty (as defined in § 53.1-151) between each conviction.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: Based on FY 2021 new court commitment (NCC) data applied to the State-responsible Population Forecast (report published in October 2022), the Department of Corrections (DOC) estimates that this bill would result in 49 fewer offenders becoming eligible for geriatric release consideration over the six-year forecast period. However, because the exceptions proposed in the bill pertain to offenses committed on or after July 1, 2023, and because an inmate must have served at least five years of the imposed sentence and reached age 65 or served 10 years and have reached age 60 before becoming eligible for consideration, this bill would not affect the offender population until FY 2029. Ultimately, the Virginia Parole Board (VPB) makes decisions on whether to grant geriatric release so the actual impact on DOC bedspace is not known. However, based on the relatively low number of potential prisoners affected, it is expected that this change will not have a fiscal impact on DOC's operations.

According to the VPB, the changes proposed by this bill are not expected to have a material impact on agency operations. However, this bill would likely require changes to CORIS,

which DOC uses to track offender data including parole eligibility status, to identify inmates who commit disqualifying crimes after July 1, 2023, and separate them from the existing geriatric parole eligible offenders by the types of crimes committed. The cost for such modification is not known at this time.

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

10. Technical Amendment Necessary: No

11. Other Comments: None