

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: SB1245

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Obenshain

3. Committee: Rehabilitation and Social Services

4. Title: Arrest and return of parolee or felon serving a period of post-release supervision.

5. Summary: Under current law, the Chairman or any member of the Virginia Parole Board (VPB) may at any time upon information or a showing of a violation or a probable violation issue a warrant for the arrest and return of a felon serving a period of post-release supervision.

This bill directs the circuit court of the sentencing jurisdiction to initiate proceedings against a felon serving a period of post-release supervision upon a showing of a violation or probable violation of any of the terms or conditions of his release. The bill requires that, upon request of the felon or his attorney, the circuit court of the sentencing jurisdiction must as soon as practicable consider all the circumstances surrounding the allegations of such violation that caused the warrant, including the probability of conviction thereof, and may, after such consideration, release the felon, pending adjudication of the violation charged.

6. Budget Amendment Necessary: Indeterminate

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

8. Fiscal Implications: According to information provided by the Department of Corrections (DOC), there are several types of obligations within community corrections supervision: 1) Parole; 2) Probation; 3) Post-Release Supervision; 4) Conditional Release; 5) Interstate Compact; and 6) any other supervision type not listed in the previous five. Persons placed on community supervision are assigned to one major supervision group but can have more than one of these obligations. Under current law, VPB has default jurisdiction over supervisees on post-release supervision unless the sentencing court specifies that it wishes to maintain jurisdiction.

Any impact on sentencing courts' workloads is dependent on the number of supervisees with post-release obligations who violate the supervision conditions of those obligations. Any impact on state-responsible bed space would depend on how courts sentence supervisees who violate post-release obligations.

According to the Virginia Parole Board, this bill may reduce its workload as a result of not having to review approximately 60 affected cases per year; however, the fiscal impact associated with this change is likely to be small. The impact this bill may have on courts or other state agencies is not known at this time. If additional information becomes available, this impact statement will be revised.

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

10. Technical Amendment Necessary: No

11. Other Comments: None