

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: SB1282

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Boysko

3. Committee: Judiciary

4. Title: Community service work in lieu of payment of fines and costs; work performed while incarcerated.

5. Summary: Current law requires the court to establish a program and provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work before or after imprisonment or, in accordance with certain provisions, during imprisonment. This bill requires the court to allow the earning of credits for the performance of community service work or work performed while incarcerated in a state, local, or regional correctional facility. The bill provides that a person who is performing work while incarcerated must be credited at the same rate as the community service work rate less any wages received for such work performed while incarcerated and defines the term "work performed while incarcerated" as any work done on or after July 1, 2020, by a person confined in any penal or corrective institution of the Commonwealth or any of its political subdivisions who is paid a wage that is less than the Virginia minimum wage as provided in § 40.1-28.10.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: According to the Department of Corrections (DOC), the agency currently provides courts with reports on the number of hours worked by inmates when the courts request such information. DOC may experience an increase in workload if courts are required to allow all inmates to earn work credits toward fines and other costs. However, DOC expects the fiscal impact associated with any increased workload to be small.

According to the Office of the Executive Secretary of the Supreme Court (OES), the impact of this bill cannot be determined at this time. The impact this bill may have on local and regional jails is not known at this time. If additional information becomes available, this impact statement will be revised.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, local and regional jails, courts

10. Technical Amendment Necessary: No

11. Other Comments: None