

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB457 H2

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☒ Substitute ☐ Enrolled

2. Patron: Callsen

3. Committee: Passed both Houses

4. Title: Decreasing probation period; criteria for mandatory reduction.

5. Summary: Under current law, court may subsequently increase or decrease the probation period and may revoke or modify any condition of probation, but only upon a hearing after reasonable notice to both the defendant and the attorney for the Commonwealth. This bill provides that a court may decrease a defendant's probation period if warranted by the defendant's conduct and in the interests of justice and may do so without a hearing.

This bill establishes criteria for which a court must reduce a defendant's probation period including completing qualifying educational activities, maintaining verifiable employment, and completing a mental health or substance abuse treatment program. The bill requires a defendant's probation officer to calculate any reductions to such defendant's supervised probation for any qualifying evidence-based recidivism-reducing activities on at least a quarterly basis and sets verification criteria for such activities.

The bill requires that when the accumulation of time served on probation and any earned reduction is equal to the imposed supervised probation term, and the defendant has satisfied all nonmonetary conditions of his supervised probation, including any court-ordered programming or community service hours, the probation officer must notify the court of the defendant's reduction in his probation term. Upon receipt of this information, the court must enter an order discharging the person from supervised probation.

An enactment clause establishes that these provisions will not become effective unless reenacted by the 2025 Session of the General Assembly.

Another enactment clause requires the Department of Corrections to meet with all relevant stakeholders, including the Virginia Probation and Parole Association and criminal justice reform organizations, and provide a report to the General Assembly that describes in detail (i) current practices for community supervision as it relates to monitoring engagement and attainment in education, employment, treatment, and other programs and making recommendations to the court for modification of time served on probation and (ii) how such practices compare to the processes and practices that would be established pursuant to the first enactment of this act if reenacted by the 2025 Session of the General Assembly. The report is due by November 1, 2024.

- 6. Budget Amendment Necessary:** Indeterminate
- 7. Fiscal Impact Estimates:** Final. See Item 8 below.
- 8. Fiscal Implications:** According to the Department of Corrections (DOC), there are currently 61,803 probationers on active supervision in the community as ordered by the Circuit Courts of Virginia. However, DOC reports that it may not have the education or employment data the bill requires and cannot estimate the number of probationers that may qualify for reduced sentences under the bill. DOC believes that reporting the information quarterly, as required by the bill, would increase the workload expected of Probation and Parole officers. To the extent that this bill would require additional Probation and Parole officers, funding of \$76,811 general fund (includes salary and benefits) per officer would be required. These resources would not be needed unless the bill is reenacted by the 2025 Session of the General Assembly.

It is expected that DOC could absorb the costs associated with the study and the report required by the bill.

According to the Office of the Executive Secretary of the Supreme Court (OES), this bill is not expected to have a fiscal impact on courts.

The Office of the Attorney General reports that this bill may require the agency to respond and litigate additional cases filed under the proposed bill and, therefore, may have a fiscal impact on agency operations. However, the fiscal impact cannot be quantified at this time.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Corrections, Office of the Attorney General, courts
- 10. Technical Amendment Necessary:** No
- 11. Other Comments:** None