

Department of Planning and Budget

2007 Fiscal Impact Statement

1. Bill Number HB2658

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

2. Patron Marsden, Lewis, McClellan, and Moran

3. Committee House Courts of Justice

4. Title Probation for nonpayment of child support

5. Summary/Purpose: This bill proposes probation under the auspices of local community based probation programs for individuals convicted for nonpayment of child support, pretrial and community corrections services.

6. Fiscal Impact Estimates are: Preliminary

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2007-08	\$4,687,920		GF
2008-09	\$4,687,920		GF
2009-10	\$4,687,920		GF
2010-11	\$4,687,920		GF
2011-12	\$4,687,920		GF

7. Budget amendment necessary: Yes, Item 391

8. Fiscal implications: This legislation covers two specific code sections: 16.1-278.16 which deals with failure to comply with support obligation, payroll deduction, and commitment; and 16.1-292 which deals with violation of a court order. This legislation aims to integrate civil probationers into a process previously reserved for criminal probationers.

Currently, local probation agencies are state funded. The Department of Criminal Justice Services (DCJS) allocates general fund dollars to the locality that is the administrative and fiscal agent in the form of biennial grants. DCJS creates policy and the locality enforces the policy – most are local government employees, some operate out of jails/sheriff's offices, and three are run by private non-profit agencies selected by the locality to operate the programs. By the Code of Virginia, these agencies are only required to operate only to the extent funded by the Commonwealth through the general appropriations act (§ 9.1-182).

In FY06, there were 6,679 jail placements under code section 16.1-278.16. There was an additional 555 jail placements under code section 16.1-292, for a total of 7,234 placements. The calculation in item 6 above assumes that 10 percent (or 723 placements) of the 7,234 total are attributable to spousal support placements and thusly are excluded from the calculations for this legislation as it only covers child support placements. In addition, the

calculation uses \$4.00 as the daily cost per placement. This is based on an amount agreed upon by DCJS and the Virginia Community Criminal Justice Association. It is projected that each placement will last 180 days; judges will be allowed a maximum of six months supervision which accounts for the remaining portion of the year. Current funding for the community based probation program is insufficient to meet the needs of those served by DCJS. The burden of additional probationers, without adequate financial resources, would further threaten the effectiveness of the program.

9. Specific agency or political subdivisions affected: Local community based probation programs, Department of Criminal Justice Services.

10. Technical amendment necessary: No.

11. Other comments: Passage of this bill changes the purpose and intent of the community based probation program since it was not designed to service civil probationers.

Date: 01/25/07 / RMT

Document: G:\FIS 2007\HB2658.Doc Reginald Thompson

cc: Secretary of Public Safety