

Department of Planning and Budget

2008 Fiscal Impact Statement

1. Bill Number HB 996

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

2. Patron Bell

3. Committee Senate Courts of Justice

4. Title Presumptive denial of bail

5. Summary/Purpose:

Under current law, for persons charged with specified crimes, a judicial officer, usually a magistrate, shall presume that they are unlikely to appear for trial or they pose a threat to public safety and, thus, deny bail to such persons. This presumption is rebuttable before a judge.

The proposed bill would require the judicial officer to make the same presumption for persons convicted of, but not sentenced for, any of the same specified offenses or any offense defined as a violent felony by the Code of Virginia.

6. No Fiscal Impact. See Item 8.

7. Budget amendment necessary: No.

8. Fiscal implications:

The offenders affected by this bill would be those convicted of crimes that were subject to presumptive denial of bail when they were arrested or those convicted of other violent crimes. Upon their conviction, the trial judge is likely to consider whether to release them on bail prior to sentencing. Therefore, it is not likely that many such offenders would be subject to another judicial officer, such as a magistrate or clerk, considering whether to grant them bail.

9. Specific agency or political subdivisions affected:

Local and regional jails

10. Technical amendment necessary: No.

11. Other comments: None.

Date: {2/14/2008} rwh

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