

Department of Planning and Budget 2013 Fiscal Impact Statement

1. Bill Number: SB1312

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Martin

3. Committee: Senate Committee for Courts of Justice

4. Title: Release of accused to pretrial services only when indigent.

5. Summary: Provides that, when a person is arrested for either a felony or a misdemeanor, any judicial officer may place the person in the custody and supervision of a designated person, organization, or pretrial services agency but that no person shall be released to a pretrial services agency without a secured bond unless he is determined by a court to be indigent.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Indeterminate (see Item 8)

8. Fiscal Implications: This bill requires an accused person to be classified as indigent by the court pursuant to the provisions of §19.2-159 of the Code of Virginia before they can be released to a pretrial services agency. As a result of this legislation, it is likely some accused persons will spend additional time in jail awaiting an indigent determination by the court. The number of days and the associated costs will vary from locality to locality. The cost to the Commonwealth for local responsible inmates housed in local and regional jails is \$4 per day.

In FY2012, there were 17,712 defendants placed on pretrial services supervision. Of the 8,163 misdemeanor placements closed in FY2012, 88 percent were successful with 3.5 percent of placements failing to appear. Of the 9,576 felony placements closed in FY2012, 80 percent were successful with 3.4 percent of placements failing to appear.

Although the total fiscal impact cannot be quantified because local jails are likely to hold inmates for additional time under this proposal, there is likely to be additional cost to both the state and localities.

9. Specific Agency or Political Subdivisions Affected: Courts, Magistrates, Department of Criminal Justice Services, Compensation Board, local jails

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: January 28, 2013

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