

## Department of Planning and Budget 2014 Fiscal Impact Statement

**1. Bill Number: HB 723**

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

**2. Patron: McClellan**

**3. Committee: House Courts of Justice**

**4. Title:** Sentence credits for drug-related felonies

**5. Summary:**

Under current law, any person convicted of a felony committed on or after January 1, 1995 and sentenced to a term in prison can earn up to 4.5 days credit toward his sentence for each 30 days served. The earning of sentence credits is subject to an inmate following prison rules and participating in prison programs. Any offender sentenced to life in prison or to be executed is not eligible for sentence credits.

The proposed legislation would increase the amount of sentence credits some inmates could earn. For persons convicted and sentenced to prison for drug offenses, including possession, possession with intent to distribute, distribution, and trafficking, the number of credit days per 30 days served that could be earned would be increased to 7.5.

In addition, the proposed legislation would enable any inmate to earn up to an additional 2.5 days per 30 days served for full participation in and cooperation with educational, training, work, counseling, or substance abuse programs, in which an inmate voluntarily participates that are in addition to the inmate's regular program assignments.

**6. Budget Amendment Necessary:** Yes. Item 385

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

**Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2015	\$150,000	General
2016	(\$3,661,680)	General
2017	(\$3,381,360)	General
2018	(\$3,587,220)	General
2019	(\$3,539,040)	General
2020	(\$3,692,340)	General

## **8. Fiscal Implications:**

To implement the provisions of the proposed legislation, the Department of Corrections would need to reprogram the automated system used to calculate time served and release dates for inmates. It is estimated that the reprogramming and recalculation of sentences would cost \$150,000.

The proposed legislation would result in a large number of inmates serving less time in jail and prison, thereby opening up prison bed-space and reducing the amount of money paid to localities by the state. Currently, there are approximately 5,000 inmates in local and regional jails that the state is responsible for housing but has insufficient space to do so. A significant number of those state-responsible inmates serve their whole sentences in jails and are not transferred to state correctional facilities. The state reimburses localities and regional jails \$12 per day for housing these inmates. In addition to reducing the amount of time some of these inmates have to serve on their sentences, the proposed legislation would also enable the state to transfer more of these inmates to state facilities, thereby reducing the state per diem payments to localities.

The estimated savings listed in Item 7 are minimum estimates. They are based on bed savings resulting from only the increase in sentence credits for drug offenders and do not include any reduction in time served resulting from credit days earned for additional program participation. The bed impact of the possible additional 2.5 sentence credits cannot be reasonably determined for two reasons. First, it is not known how many inmates in prisons would voluntarily participate in additional programs or work. Second, as already pointed out, many state-responsible inmates serve their complete sentences in jails and the work and program opportunities in jails are limited. It is thought that the actual savings realized by the Commonwealth as a result of the proposed legislation will be greater than shown in Item 7, but how much greater cannot be reasonably projected.

## **9. Specific Agency or Political Subdivisions Affected:**

Department of Corrections  
Compensation Board  
Local and regional jails

## **10. Technical Amendment Necessary: None.**

## **11. Other Comments:**

It would take the Department of Corrections 6 to 12 months to reprogram its automated time calculation system and to identify those inmates affected and recalculate their release dates. Therefore, it might be advisable to delay the effective date of the proposed legislation to July 1, 2015.

**Date:** 1/23/2014

**Document:** G:\LEGIS\fis-14\hb723.docx Dick Hall-Sizemore