

## Department of Planning and Budget 2015 Fiscal Impact Statement

**1. Bill Number:** SB843

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

**2. Patron:** Locke

**3. Committee:** Finance

**4. Title:** Claims; Jonathan Christopher Montgomery.

**5. Summary:** Provides relief in the amount of \$175,440 to Jonathan Montgomery, who was incarcerated for a total of three years and three days after being convicted of forcible sodomy, aggravated sexual battery, and animate object sexual penetration. Mr. Montgomery has been issued a writ of actual innocence.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary, see Item 8.

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2015	\$0	
2016	\$175,440 \$5,000	General Higher Education Operating
2017	\$5,000	Higher Education Operating
2018	\$0	-
2019	\$0	-
2020	\$0	-
2021	\$0	-

**8. Fiscal Implications:** The legislation appropriates the funds and directs the Comptroller and State Treasurer to prepare the necessary warrants and check upon execution of a release by Mr. Montgomery of any claim against the Commonwealth or any agency, office, instrumentality, employee, of political subdivision in connection with the occurrence. Of the amount appropriated, \$35,088 would be a lump sum payment and the remainder of \$140,352 to purchase an annuity for the primary benefit of Mr. Montgomery. In the event of Mr. Montgomery's death, such compensation shall be granted to his estate. In the event that Mr. Montgomery receives restitution due to him from Elizabeth P. Coast, the amount remaining and not yet paid from his annuity shall be reduced by the amount of restitution he receives. If the amount of restitution exceeds the amounts not yet paid from his annuity, the annuity shall

cease. As the \$175,440 in compensation this bill provides Mr. Montgomery is not included in the current Appropriation Act, the funding will come from general fund balances.

The bill also provides that Mr. Montgomery is entitled to receive reimbursement for career and technical training within the Virginia Community College System free of tuition charged, up to a maximum of \$10,000. The cost of the tuition benefit is to be paid by the community college at which the career or technical training is provided. The tuition benefit must be used before January 1, 2020. This fiscal impact statement assumes that the tuition benefit will be used over the course of two fiscal years, but may vary depending on when Mr. Montgomery enrolls.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Accounts, Department of the Treasury, Office of the Executive Secretary of the Supreme Court, Virginia Community College System

- 10. Technical Amendment Necessary:** No.

- 11. Other Comments:** The substitute version of this bill adds provisions relating to how Mr. Montgomery's annuity will be affected in the event of his death or in the event he receives restitution from Elizabeth P. Coast. The substitute version also provides Mr. Montgomery a \$10,000 tuition benefit for career and technical training through the Virginia Community College System.

C: Secretary of Finance

Date: February 3, 2015

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