

Department of Planning and Budget 2016 Fiscal Impact Statement

1. Bill Number: HB 1334

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Cline

3. Committee: House Courts of Justice

4. Title: Local probation

5. Summary:

For a person charged with a first offense of assault and battery against a family or household member, the court may defer the proceedings without a finding of guilt and place the person on probation for at least two years. As a condition of probation, the court also may order (i) that the person be placed under the supervision of a local community-based probation office, if one exists in the jurisdiction, and complete treatment programs offered by the probation office, or (ii) complete treatment, education programs or services, or a combination thereof, that the court feels may be beneficial for the defendant. If the court chooses the latter option, it shall require the defendant to pay all or part of the costs of such treatment or education programs. Upon fulfillment of the terms and conditions of the court order, the court shall discharge the person and dismiss the proceedings against him.

The proposed legislation would require that the court either (i) place such person in a local community-based probation program if one exists in the jurisdiction, or (ii) order him to complete some treatment or education programs.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Indeterminate. See Item 8 below.

8. Fiscal Implications:

According to an analysis by the Virginia Criminal Justice Sentencing Commission of data from the Supreme Court's Case Management Systems, in FY 2015, there were 8,493 defendants who were charged with a misdemeanor under the statute that authorizes deferral and whose cases were ultimately dismissed. According to the Department of Criminal Justice Services (DCJS), there were 1,916 persons committed to local community probation supervision in FY 2015 who were first-time offenders of assault and battery of a family or household member. Of the defendants who were not placed in community probation, it is not possible to determine from the available data how many (i) were ordered to complete some treatment or education program specified by the court or (ii) were not required by the court to do either.

Because courts, under the provisions of the legislation, would no longer have the option of not placing a defendant in a community probation program or completing treatment or education programs, the result could be an increase in local community probation placements if judges choose that option. However, there is not sufficient data available to project the extent of any possible increase.

9. Specific Agency or Political Subdivisions Affected:

Department of Criminal Justice Services
Local community-based probation offices

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/3/2016

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