

Department of Planning and Budget 2016 Fiscal Impact Statement

1. Bill Number: SB 216

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

2. Patron: Marsden

3. Committee: Reported from committee

4. Title: Parole eligibility

5. Summary:

The 1994 General Assembly Special Session II abolished parole for offenses committed on or after January 1, 1995. On June 9, 2000, the Virginia Supreme Court ruled that the jury in a noncapital criminal case should be instructed that parole had been abolished in Virginia (*Fishback v. Commonwealth*, 260 Va. 104).

The proposed legislation would make eligible for parole any person still incarcerated who was sentenced by a jury prior to June 9, 2000, for a nonviolent offense committed on or after January 1, 1995 and the jury was not instructed on the abolition of parole.

6. Budget Amendment Necessary: None.

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

8. Fiscal Implications:

According to analyses by the Virginia Criminal Sentencing Commission and the Department of Corrections (DOC), there are currently 17 inmates incarcerated in state prisons who were convicted by a jury before January 9, 2000 for a nonviolent offense, as defined by the proposed legislation, committed on or after January 1, 1995. There are an additional 18 incarcerated inmates convicted for a nonviolent offense before January 9, 2000, committed on or after January 1, 1995, for whom there is insufficient data to determine whether there was a jury trial. In summary, at most, 35 inmates could qualify for parole eligibility under the provisions of the proposed legislation. The number could be lower because (i) only some of the inmates in the second group (18) may have had a jury trial and (ii) of the inmates who did have jury trials, it is not known how many of those juries were instructed that parole had been abolished.

The Parole Board has indicated that it has sufficient resources to handle this potential increase in its caseload.

9. Specific Agency or Political Subdivisions Affected:

Parole Board
Department of Corrections

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/12/2016

Document: G:\LEGIS\fis-16\sb216s1.docx Dick Hall-Sizemore