

## **Department of Planning and Budget 2018 Fiscal Impact Statement**

**1. Bill Number: HB 1243**

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

**2. Patron: Sickles**

**3. Committee: Militia, Police and Public Safety**

**4. Title: Parole release**

**5. Summary:**

For any offender eligible, and under consideration, for release on parole and whose time served has exceeded the midpoint of the most recent discretionary sentencing guideline for the same or similar offense, the proposed legislation would limit the basis of the decision of the Parole Board to the offender's history, character, and conduct while in prison.

**6. Budget Amendment Necessary:** See Item 8.

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

**8. Fiscal Implications:**

Based on data and analyses provided by the Virginia Criminal Sentencing Commission and the Department of Corrections (DOC), it is estimated that there are 580 inmates housed by DOC who have been incarcerated longer than the midpoint of the discretionary sentencing guideline for the same or similar offense. However, in developing this estimate, the median guideline recommendation for each offense involved was used. A sentencing guideline for an offense will vary with the circumstances and the individual offender. For example, if an offender has committed a prior violent offense, the guideline recommendation for that offender will be higher than the recommendation for another offender convicted of the same offense, but with no prior conviction of a violent offense. Therefore, some of the 580 offenders preliminarily identified may not meet the criteria when an actual sentencing guideline was prepared and, conversely, some not tentatively identified may meet it. DOC has identified 2,387 offenders who were sentenced under the parole system and who had reached their parole eligibility date by December 31, 2017. To comply with the legislation, a sentencing guideline would have to be prepared for each of these offenders.

To gather the data needed to calculate the sentencing guideline scores for this many offenders will take time, especially for those cases that are fairly old. Sentencing guidelines scores are normally calculated by probation and parole (P&P) officers. It is estimated that the Parole Board would need the equivalent of one P&P officer for a year to perform this task, at a cost of \$62,241, if the agency used hourly personnel contracted for the job.

**9. Specific Agency or Political Subdivisions Affected:** Parole Board

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

**11. Other Comments:** None.