Department of Planning and Budget
2019 Fiscal Impact Statement

1. **Bill Number:** HB1689

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

2. **Patron:** Lindsey

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

4. **Title:** Exception to the existing limitation on the application of parole.

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 an offense committed on or after January 1, 1995 and the jury was not instructed on the abolition of parole, and who remains incarcerated for such offense on July 1, 2019. This bill also requires the Parole Board to establish procedures consistent with this provision.

6. **Budget Amendment Necessary**: No

7. **Fiscal Impact Estimates:** Preliminary (see Item 8 below).

8. **Fiscal Implications:** According to the Sentencing Commission, as of July 2018, approximately 338 offenders may be eligible for parole under the parameters set forth in this bill. The Virginia Parole Board (VBP) reports that a number of these individuals are already under review due to eligibility under geriatric conditional release. According to the VPB, due to the decline in the discretionary parole population and certain internal agency efficiencies adopted, the agency is able to absorb any workload as a result of this bill within existing resources.

9. **Specific Agency or Political Subdivisions Affected:** Virginia Parole Board; Department of Corrections.

10. **Technical Amendment Necessary:** No

11. **Other Comments:** This bill is similar to SB1437.