

Department of Planning and Budget 2019 Fiscal Impact Statement

1. **Bill Number:** HB2172

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

2. **Patron:** Miyares

3. **Committee:** Courts of Justice

4. **Title:** Conditional release of geriatric prisoners; exceptions.

5. **Summary:** Current law permits anyone serving a sentence as a result of any felony offense other than a Class 1 felony to petition the Parole Board for conditional release, if the offender has reached age 65 and has served at least five years of their sentence or if the offender has reached age 60 and has served at least 10 years of their sentence.

In addition to a Class1 felony, the proposed legislation makes the following offenses ineligible for conditional release of geriatric offenders: i) murder in the first degree; ii) abduction with the intent to defile, for the purpose of prostitution, or for the production of child pornography; rape; forcible sodomy; object sexual penetration; aggravated sexual battery; crimes against nature involving certain family members; indecent liberties with a child; and adultery or fornication involving family members.

6. **Budget Amendment Necessary:** Yes, Item 423.

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

8. **Fiscal Implications:** According to data provided by the Department of Corrections, a total of 1,673 offenders were considered for geriatric release during fiscal years 2016 through 2018. Of those offenders, 263 of them were convicted of one of the offenses that would become ineligible under the proposed legislation. However, none of those were granted release. This bill has the potential to reduce the number of geriatric offenders eligible for conditional release. The Virginia Criminal Sentencing Commission concludes that this bill is not expected to impact the need for state prison beds.

However, the Parole Board expects an increase in workload as they review geriatric release eligibility and estimates that it would require one additional paralegal staff at a cost of \$75,000 (including salary and benefits) to address the additional workload.

In addition, this bill would require modifications to Virginia Corrections Information System (VACORIS), which is the state's computerized offender management system, managed by the Department of Corrections. The exact cost of such modifications is not known at this time.

9. Specific Agency or Political Subdivisions Affected: Parole Board, Department of Corrections

10. Technical Amendment Necessary: None

11. Other Comments: None