

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB1370

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: Campbell, J.L.

3. Committee: Public Safety

4. Title: Rate at which sentence credits may be earned.

5. Summary: Under current law, inmates may earn a maximum of four and one-half sentence credits for each 30 days served. This bill increases the number of sentence credits that may be earned for anyone serving a sentence other than a violent felony committed on or after January 1, 1995, to a maximum of 10.5 for each 30 days served. Anyone serving a sentence for a violent felony committed on or after January 1, 1995, will continue earning four and one-half credits for each 30 days served.

6. Budget Amendment Necessary: Yes, Item 397 and 402.

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

8. Fiscal Implications: The 1994 General Assembly Special Session II abolished discretionary and mandatory parole release for felony offenses committed on or after January 1, 1995. A system of earned sentence credits was established under code section 53.1-202.3 whereby felony offenses committed on or after January 1, 1995 may earn a maximum of 4.5 sentence credits for every 30 days served. This bill increases the rate of credits that may be earned by any inmate who is not serving a sentence for a violent felony to 10.5 credits for each 30 days served. Inmates serving sentences for violent felonies would continue to be eligible to earn credits at 4.5 for every 30 days served.

According to DOC, this bill would affect the computation of time served of approximately 20,536 state-responsible offenders. This population includes offenders who received sentences after parole was abolished but does not include those who are serving one or more life sentences or those who are serving sentences for only violent offenses. DOC reports that 12,310 of these offenders are serving sentences for only non-violent offenses and that 8,226 offenders are serving sentences for both violent and nonviolent offenses (these inmates would be partially impacted by this proposal).

Of the 20,536 state-responsible offenders whose time computation would be affected, DOC estimates that as many as 2,228 may be eligible for release in the first year under the provisions of this bill. DOC estimates that the number of releases will decrease each year of the six-year offender forecast horizon. DOC reports that there are approximately 7,000 state-responsible offenders currently housed in local jails. State-responsible offenders held in

local jails would be moved from the jails into a DOC facility as beds become available. The Commonwealth currently pays localities \$12.00 a day for each state-responsible offender held in a jail. Therefore, the amount paid to jails for such offenders would be reduced to the extent that, and the rate at which, such offenders are moved to DOC facilities.

Additionally, the agency expects that once released, these offenders would be supervised by probation and parole officers, resulting in additional need for resources to expand reentry services and programs in various probation and parole districts. Currently, the type of supervision is categorized by distinct levels of supervision that correspond with an offender's treatment plan. At a ratio of 70 offenders to one supervising officer, the agency would need to hire and train an additional 32 probation/parole officers to supervise the 2,228 offenders who likely would be released in the first year of the program. In addition, the agency would need to hire and train additional release planning coordinator positions, mental health and substance abuse services staff for community release, sex offender screening staff, and additional staff to compute sentence credits for release purposes. DOC estimates that these new positions would cost approximately \$6.4 million each year. Capital funding also may be needed for additional office space, depending on the number of probation and parole officers hired.

Currently, the DOC spends an average of \$3,920 annually for each offender who participates in re-entry programs. These programs are offered to offenders who are within 12 months of their release date to minimize recidivism rates and enhance public safety before offenders return to their community. The DOC would need to adjust its programmatic policies to provide the required reentry services to include release plans for each prisoner.

This bill will require changes to the Virginia Corrections Information System (VACORIS), which DOC uses to track offender data including time served and sentence credits earned. DOC estimates that it would cost \$1.0 million to modify VACORIS to incorporate the new sentence credit tiers and that two additional Information Technology (IT) specialists, at a cost of \$215,902 annually, would be required to manage the vendor-change process. According to DOC, the process to make the required changes may take up to two years to analyze, develop, and test. This timeline conflicts with the provisions of the bill, which would require implementation as soon the bill became law.

Because most of these offenders may be subject to supervision after release, if they violate the terms and condition of their supervision they would temporarily be held in local jails; however, the impact that re-incarcerating violators may have on local correctional facilities would be offset by the number of state-responsible offenders that would be transferred to DOC for re-entry services before release. The Commonwealth currently pays localities \$4.00 a day for each local-responsible prisoner held in a jail and \$12.00 a day for each state-responsible prisoner. It also funds a considerable portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. According to the Compensation Board's most recent Jail Cost Report (November 2019), the estimated total state support for local jails averaged \$34.07 per inmate, per day in FY 2018.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections; Local Correctional facilities, Compensation Board, Department of Behavioral Health and Developmental Services, Courts

10. Technical Amendment Necessary: None

11. Other Comments: None