

## Department of Planning and Budget 2020 Fiscal Impact Statement

**1. Bill Number:** SB493E

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

**2. Patron:** Bell

**3. Committee:** Pending.

**4. Title:** Conditional release of geriatric, terminally ill, or permanently physically disabled prisoners.

**5. Summary:** This bill expands the category of offenders eligible for consideration by the Parole Board for conditional release to include anyone serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony, who is terminally ill or permanently physically disabled.

**6. Budget Amendment Necessary:** No. Item 429 of the introduced budget bill (HB30/SB30) includes an appropriation to support this legislation.

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

**8. Fiscal Implications:** Under the provisions of this bill, any person serving a sentence imposed for a felony conviction, other than Class 1 felony (punishable by life imprisonment, or punishable by death), who is terminally ill, or who is permanently physically disabled would be eligible for consideration by the Parole Board for conditional release. The bill defines permanently physically disabled as having a chronic or progressive medical condition caused by injury, disease, or illness that renders a person permanently and irreversibly physically disabled. The Department of Corrections (DOC), estimates that it houses an average of 18 permanently and physically disabled inmates within an annual period. The DOC estimates that it spends between \$50,000 and \$100,000 on offsite care and pharmaceutical costs for offenders who are permanently physically disabled depending on the individual needs of the offender.

The bill defines terminally ill as having a chronic or progressive medical condition caused by injury, disease, or illness where the medical prognosis is the person's death within 12 months. DOC estimates that on average, it may have approximately 16 terminally ill inmates within an annual period. DOC reports that it spends approximately \$84,000 per individual during the last 12 months of an inmate's life for off-site medical, pharmaceutical, and housing costs. In the event that release occurs with only six months of life remaining, DOC estimates that savings would be reduced to approximately \$50,000 per individual, and if the inmate is released with three months of life remaining, the approximate savings per individual is reduced even further to approximately \$30,000 per individual.

Although the bill increases the number of offenders who are eligible for parole, it is not possible to know how many of these may be granted parole. Any savings associated with this bill are dependent upon the number of offenders actually released from prison. Further, DOC reports that in order for offenders to be released, housing placement must be secured for them in the community before they are released. In the event that housing placement cannot be secured for an offender, the individual would remain in the care of DOC for public safety reasons, and any associated savings would not be realized. The introduced budget does not assume any savings associated with this legislation because release is dependent on Virginia Parole Board's review of eligibility.

According to the Parole Board, one additional part-time parole examiner would be required to review parole considerations for offenders made eligible for parole under the provisions of this bill. The introduced budget bill (HB30/SB30) includes an appropriation in Item 429 to support a part-time investigator for this purpose.

The amended version of this bill engrossed by the Senate adds further defines "permanently physically disabled" as persons whose condition renders them no longer a threat to society.

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

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.