

## Department of Planning and Budget 2020 Fiscal Impact Statement

**1. Bill Number:** SB793

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:** McClellan

**3. Committee:** Rehabilitation and Social Services

**4. Title:** Parole; exception to limitation on the application of parole statutes.

**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 who was sentenced by a jury for a noncapital offense committed on or after January 1, 1995, where the jury was not instructed on the abolition of parole, and who remained incarcerated for such offense on July 1, 2020. This bill also requires the Parole Board to establish procedures consistent with this provision, allowing for extension of time for reasonable cause.

**6. Budget Amendment Necessary:** No

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

**8. Fiscal Implications:** According to Virginia Department of Corrections' November 2019 data, approximately 311 offenders were eligible for parole under the parameters set forth in this bill. The Virginia Parole Board (VPB) reports that all of the affected offenders have already been identified eligible for parole by the VPB and that this bill is not expected to have a fiscal impact on agency operations.

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

**10. Technical Amendment Necessary:** No

**11. Other Comments:** This bill is the same as HB996.