

20200160D

SENATE BILL NO. 5045

Senate Amendments in [] - August 26, 2020

A BILL to amend and reenact § 30-19.1:4 of the Code of Virginia, relating to criminal cases; fiscal impact statements.

Patrons Prior to Engrossment—Senator Surovell; Delegate: Kory

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That § 30-19.1:4 of the Code of Virginia is amended and reenacted as follows:

§ 30-19.1:4. Terms of imprisonment or commitment; fiscal impact statements; appropriations for operating costs.

A. The Virginia Criminal Sentencing Commission shall prepare a fiscal impact statement reflecting the operating costs attributable to and necessary appropriations for any bill which that would result in a net increase *or decrease* in periods of imprisonment in state adult correctional facilities. The Department of Planning and Budget shall annually provide the Virginia Criminal Sentencing Commission with the operating cost per inmate.

B. The Department of Planning and Budget, in conjunction with the Department of Juvenile Justice, shall prepare a fiscal impact statement reflecting the operating costs attributable to and necessary appropriations for any bill that would result in a net increase *or decrease* in periods of commitment to the custody of the Department of Juvenile Justice.

C. The requirement for a fiscal impact statement includes, ~~but is not limited to,~~ those bills which that add new crimes for which imprisonment or commitment is authorized, *repeal crimes for which imprisonment or commitment is authorized*, increase *or decrease* the periods of imprisonment or commitment authorized for existing crimes, impose *or eliminate* minimum or mandatory minimum terms of imprisonment or commitment, or modify the law governing release of prisoners or juveniles in such a way that the time served in prison, or the time committed to the custody of the Department of Juvenile Justice, will increase *or decrease*.

D. The fiscal impact statement of any bill introduced on or after July 1, 2002, that would result in a net increase *or decrease* in periods of imprisonment in state correctional facilities or periods of commitment to the custody of the Department of Juvenile Justice, shall include an analysis of the fiscal impact on local and regional jails, state and local pretrial and community-based probation services agencies, and juvenile detention facilities.

E. The amount of the estimated appropriation reflected in the fiscal impact statement shall be printed on the face of each such bill, but shall not be codified. If the agency responsible for preparing the fiscal impact statement does not have sufficient information to project the impact, the fiscal impact statement shall state this, and the words "Cannot be determined" shall be printed on the face of each such bill.

F. The fiscal impact statement shall include, ~~but not be limited to,~~ details as to any increase or decrease in the offender population. Statements prepared by the Virginia Criminal Sentencing Commission shall detail any necessary adjustments in guideline midpoints for the crime or crimes affected by the bill as well as adjustments in guideline midpoints for other crimes affected by the implementation of the bill that, in the opinion of the Commission, are necessary and appropriate.

G. The agency preparing the fiscal impact statement shall forward copies of such impact statements to the Clerk of the House of Delegates and the Clerk of the Senate for transmittal to each patron of the legislation and to the chairman of each committee of the General Assembly to consider the legislation.

H. For each law enacted which that results in a net increase *or decrease* in periods of imprisonment in state correctional facilities or a net increase *or decrease* in periods of commitment or the time committed to the custody of the Department of Juvenile Justice, a one-year appropriation shall be made from the general fund equal to the estimated increase *or decrease* in operating costs of such law, in current dollars, of the highest *or lowest* of the next six fiscal years following the effective date of the law. "Operating costs" means all costs other than capital outlay costs.

I. The Corrections Special Reserve Fund (the Fund) is hereby established as a nonreverting special fund on the books of the Comptroller. The Fund shall consist of all moneys appropriated by the General Assembly under the provisions of this section and all interest thereon. Any moneys deposited in the Fund shall remain in the Fund at the end of the biennium. Moneys in the Fund shall be expended solely for capital expenses, including the cost of planning or preplanning studies that may be required to initiate capital outlay projects.

[2. That the provisions of the first enactment of this act shall not become effective unless

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59 reenacted by the 2021 Session of the General Assembly.

60 3. That the Department of Planning and Budget, in conjunction with the Department of Juvenile
61 Justice, shall conduct a pilot program under which it prepares a fiscal impact statement for two
62 bills to be referred by the Chair of the Senate Committee on Finance and Appropriations and two
63 bills to be referred by the Chair of the House Committee on Appropriations that would result in a
64 net decrease in periods of commitment to the custody of the Department of Juvenile Justice. The
65 referred bills shall include bills that would repeal crimes for which imprisonment or commitment
66 is authorized, decrease the periods of imprisonment or commitment authorized for existing crimes,
67 or eliminate minimum or mandatory minimum terms. The impact statements shall determine the
68 effect on operating costs attributable to and necessary appropriations, if any, for the referred bills.
69 The impact statements shall be prepared using the methodology described in § 30-19.1:4 of the
70 Code of Virginia and shall be submitted to the General Assembly by December 15, 2020.

71 4. That the Virginia Criminal Sentencing Commission shall conduct a pilot program under which
72 it prepares a fiscal impact statement for two bills to be referred by the Chair of the Senate
73 Committee on Finance and Appropriations and two bills to be referred by the Chair of the House
74 Committee on Appropriations that would result in a net decrease in periods of imprisonment in
75 state adult correctional facilities. The referred bills shall include bills that would repeal crimes for
76 which imprisonment or commitment is authorized, decrease the periods of imprisonment or
77 commitment authorized for existing crimes, or eliminate minimum or mandatory minimum terms.
78 The impact statements shall determine the effect on operating costs attributable to and necessary
79 appropriations, if any, for the referred bills. The impact statements shall be prepared using the
80 methodology described in § 30-19.1:4 of the Code of Virginia and shall be submitted to the
81 General Assembly by December 15, 2020.]