

Department of Planning and Budget
2020 Special Session I - Fiscal Impact Statement

1. Bill Number: HB5053

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Subramanyam

3. Committee: Referral Pending

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

5. Summary: Provides that any person 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 is eligible for consideration by the Parole Board for conditional release. The bill also provides that any person serving such sentence (i) who is 65 years of age or older and has served at least five years of the sentence imposed or (ii) who is 60 years of age or older and has served at least 10 years of the sentence imposed is eligible for consideration by the Parole Board for conditional release without the need to petition the Parole Board.

6. Budget Amendment Necessary: Yes. Item 429.

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

8. Fiscal Implications: 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 and such condition renders the person no longer a threat to society. The Department of Corrections (DOC) estimates that it houses an average of 18 permanently and physically disabled inmates on an annual basis. According to DOC, approximately nine would meet the age and served-time criteria established for geriatric conditional release. Therefore, DOC estimates that nine offenders would be eligible for parole consideration as permanently physically disabled. The DOC estimates that it spends between \$50,000 and \$100,000 to provide offsite medical services to inmates 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 an average of \$84,000 per individual during the last 12 months of an inmate's life for offsite 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 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.

According to the Parole Board, one additional part-time parole examiner, at an estimated cost of \$39,023 per year, would be required to review parole considerations for offenders made eligible for parole under the provisions of this bill.

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

10. Technical Amendment Necessary: No

11. Other Comments: Chapter 1289, 2020 Acts of Assembly, contains the following language in Item 429, relating to conditional geriatric release:

Notwithstanding the provisions of § 53.1-40.01, Code of Virginia, the Parole Board shall annually consider for conditional release those inmates who meet the criteria for conditional geriatric release set out in § 53.1-40.01, Code of Virginia, except that upon any such review the Board may schedule the next review as many as three years thereafter. If any such inmate is also eligible for discretionary parole under the provisions of § 53.1-151 et seq., Code of Virginia, the board shall not be required to consider that inmate for conditional geriatric release unless the inmate petitions the board for conditional geriatric release.

This bill is identical to SB5018.