

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

1. Bill Number: HB5092

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: Rush

3. Committee: House Committee on Public Safety

4. Title: Virginia Freedom of Information Act; Virginia Parole Board member votes.

5. Summary: The proposed legislation establishes that the individual votes of the members of the Parole Board shall be public records and subject to the provisions of the Virginia Freedom of Information Act.

6. Budget Amendment Necessary: Yes, Item 429.

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

8. Fiscal Implications: The Parole Board (Board) reports that the requirement to make petition requests subject to public record and existing provisions of the Virginia Freedom of Information Act (FOIA) may require additional personnel resources.

The Board reports that there are currently 2,427 parole eligible offenders that are to be considered by the Board. This includes both offenders who were incarcerated prior to the abolition of parole and geriatric offenders. The Board reports that data from the Department of Corrections indicates that an average of 315 offenders per year are due to become eligible for parole beginning in FY 2021 through FY 2026. Additionally, Board members also review and vote on an average of 829 pardon petitions per year.

The Board states that the numbers indicated above represent the minimum number of offenders that will become parole eligible each year. This is because, depending on the rate at which parole is granted, many of the same offenders remain eligible for parole in subsequent years, in addition to offenders who become eligible each given year.

According to the Board, the proposed legislation will require staff to manually extract each case and prepare a report based on each Board member's vote, comments entered, and the overall decision on the particular case. Staff will then need to compile and prepare such information for either public dissemination, or for specific FOIA requests. While it is not known how many FOIA requests the Board will receive each year, due to the number of offenders eligible for review by Board members, currently and in future years, the Board reports that it does not have sufficient support staff to compile the decisions of Board members for FOIA requests purposes and may require two part-time Program Support

Technicians. The annual salary for one such position, including fringe benefits, is \$39,023 annually.

The Board also reports that the proposed legislation will require a program change to the Department of Corrections Information System (CORIS) in order to extract data of voting by individual Parole Board members. According to the CORIS representative from the Department of Corrections, this change will cost approximately \$50,000 to be paid to the CORIS vendor, ABILIS. However, the Department of Corrections should be able to absorb the one-time cost to modify CORIS.

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

10. Technical Amendment Necessary: No

11. Other Comments: This bill is identical to SB5012.