

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

1. Bill Number: SB5045E

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Surovell

3. Committee: Senate Committee on Rules

4. Title: Virginia Criminal Sentencing Commission fiscal impact statements

5. Summary: The proposed bill would require the Virginia Criminal Sentencing Commission (“VCSC”) to prepare a fiscal impact statement reflecting changes in the operating costs attributable to and necessary appropriations for any bill that would result in a net decrease in periods of imprisonment in state adult correctional facilities. It further requires the Department of Planning and Budget (DPB) to include, in fiscal impact statements for the Department of Juvenile Justice (DJJ), the decrease in periods of commitment to the custody of DJJ. That these provisions of the first enactment of this act shall not become effective unless reenacted by the 2021 Session of the General Assembly

The bill also requires that the Department of Planning and Budget, in conjunction with the Department of Juvenile Justice, conduct a pilot program under which it prepares a fiscal impact statement for two bills to be referred by the Chair of the Senate Committee on Finance and Appropriations and two bills to be referred by the Chair of the House Committee on Appropriations that would result in a net decrease in periods of commitment to the custody of the Department of Juvenile Justice. The referred bills will include bills that would repeal crimes for which imprisonment or commitment is authorized, decrease the periods of imprisonment or commitment authorized for existing crimes, or eliminate minimum or mandatory minimum terms. The impact statements must determine the effect on operating costs attributable to and necessary appropriations, if any, for the referred bills. The impact statements must be prepared using the methodology described in §30-10.1:4 of the Code of Virginia and submitted to the General Assembly by December 15, 2020.

Additionally, it requires the Virginia Criminal Sentencing Commission to conduct a pilot program under which it prepares a fiscal impact statement for two bills to be referred by the Chair of the Senate Committee on Finance and Appropriations and two bills to be referred by the Chair of the House Committee on Appropriations that would result in a net decrease in periods of imprisonment in state adult correctional facilities. The referred bills will include bills that would repeal crimes for which imprisonment or commitment is authorized, decrease the periods of imprisonment or commitment authorized for existing crimes, or eliminate minimum or mandatory minimum terms. The impact statements shall determine the effect on operating costs attributable to and necessary appropriations, if any, for the referred bills. The impact statements shall be prepared using the methodology described in §30-10.1:4 of the Code of Virginia and shall be submitted to the General Assembly by December 15, 2020.

6. Budget Amendment Necessary: Yes, Item 49

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

8. Fiscal Implications: Currently, with few exceptions, the Virginia Criminal Sentencing Commission (VCSC) does not receive requests for analysis of bills that only have the potential to decrease the prison population. According to the VCSC, the proposed legislation is expected to increase the agency's workload because it expands the fiscal impact requirement for VCSC to include legislation that reduces population.

Given the types of bill introduced during the 2020 Regular Session and the current 2020 Special Session I that have the potential to reduce the inmate population, the VCSC would need to request data and information from the Department of Corrections (DOC), the Virginia Parole Board, the Department of Criminal Justice Services (DCJS), the Compensation Board, and the Courts in order to conduct its analysis. VCSC indicates that one additional research associate position would be needed to meet the provisions of this bill. The cost for one research associate position is \$75,981 (including salary and benefits).

9. Specific Agency or Political Subdivisions Affected: Virginia Criminal Sentencing Commission, Department of Planning and Budget, Department of Juvenile Justice, Courts, Department of Criminal Justice Services, Compensation Board.

10. Technical Amendment Necessary: No

11. Other Comments: None