

## **Department of Planning and Budget**

### **2021 - Fiscal Impact Statement**

**1. Bill Number:** HB2141

**House of Origin**    ☒ Introduced    ☐ Substitute    ☐ Engrossed  
**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:** Miyares

**3. Committee:** Courts of Justice

**4. Title:** Parole; investigation prior to release.

**5. Summary:** The proposed legislation requires the Parole Board to contact the victim, replacing the current requirement to "endeavor diligently" to contact the victim, prior to making any decision to release any inmate on discretionary parole and allows the victim to present virtual testimony to the Board concerning the impact that the release of the prisoner will have on the victim.

**6. Budget Amendment Necessary:** Yes. Item 429. The amended budget (HB1800/SB1100) includes funding and one position (\$61,065) in the second year in Item 429 to convert a part-time Victim Service Assistant to a full-time position.

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

**8. Fiscal Implications:** Currently, under §53.1-155 (investigating prior to release, transition assistance) the Parole Board (Board) is required in the course of conducting an investigation on the suitability of parole for an eligible prisoner, to provide notification to a victim (as defined by § 19.2-11.01) that such a person may submit oral or written testimony concerning the impact that the release of the prisoner will have on the victim. The law requires that the Board endeavor diligently to contact the victim prior to making any decision to release any inmate on discretionary parole.

The proposed legislation requires the Parole Board to contact the victim (removing the current requirement to "endeavor diligently" to contact the victim) prior to making any decision to release any inmate on discretionary parole and allows the victim to present virtual testimony to the Board concerning the impact that the release of the prisoner will have on the victim.

The Board uses the Department of Corrections' Victim Information and Notification Everyday (VINE) system. VINE provides notification alerts to victims of an offender's custody change events, including release, transfer, escape, return, death, parole events, and notice prior to the offender's release date. The Board reports that while some victims are registered in VINE, many are not, and locating victims for whom contact information is not readily available or has not been updated in VINE, is a resource-intensive task. According to

the Board, victim notification letters are sent to victims that are not registered in VINE or have elected to only be notified when the Board is likely to grant parole.

While the Board has one Victim Services Coordinator, partially funded by a federal grant, and one part-time Victim Services Assistant dedicated to this task, it has found it necessary to reassign other personnel in order to provide assistance with this workload. Furthermore, the Board expects this workload to continue to increase as data from the Department of Corrections (DOC) indicates that an average of 305 additional offenders per year are due to become eligible for parole beginning in FY 2022 through FY 2026.

Item 429 in the Governor's proposed budget (HB1800/SB1100) includes \$61,065 in ongoing general fund resources to convert the existing Victim Services Assistant position to a full-time position, thereby providing additional resources to address the existing workload associated with locating and notifying victims.

The provisions of the bill remove the current requirement for the Board to "endeavor diligently" to contact victims. While the amended budget converts one part-time position to full-time, the Board believes that in order to expand its current efforts, it may need additional ongoing resources. Specifically, one additional full-time Victim Services Coordinator position would be necessary to support this ongoing effort, at an estimated annual cost of \$71,138 for salary and benefits. The Board also reports that locating victims who are more difficult to locate will also require a program subscription to LEXIS/NEXIS, which would provide computer assisted legal research and access to an electronic database for legal and public-records related information, to research and locate victims for notification. According to the Board, the subscription fee for this service is approximately \$24,000 per year (\$2,000 per month).

The provision that requires the victim to present virtual testimony to the Board concerning the impact that the release of a prisoner will have on such victim is not expected to result in a fiscal impact for the Parole Board.

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

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.