

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: SB326 E

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: Deeds

3. Committee: Committee on the Judiciary

4. Title: Sentencing proceeding by the jury after conviction; recommendation of leniency.

5. Summary: Under current law (§ 19.2-298.01), juries are prohibited from receiving the sentencing guidelines and have no authority or process by which to recommend alternatives to the jury's sentence. The engrossed bill provides that a jury may, in ascertaining the punishment for a person convicted of a felony or Class 1 misdemeanor, recommend that the sentence imposed be suspended in whole or in part, or that sentences imposed for multiple offenses be served concurrently, except where such suspension of sentence or concurrent service is prohibited by law. The engrossed bill also prohibits the trial court from imposing an active term of incarceration in excess of the active term of incarceration recommended by the jury.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: According to the Virginia Criminal Sentencing Commission (VCSC) there were a total of 25,822 felony sentencing events in FY 2019. Of these, 316 involved juries. Allowing juries to recommend suspended sentences or alternatives to incarceration may result in fewer offenders serving sentences in prison or local and regional jails, which would decrease costs associated with housing such offenders. However, there is not enough information to determine how many offenders would receive suspended or alternative sentences. Therefore, the impact of this bill cannot be assessed at this time.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, Commonwealth's Attorneys, Courts, local and regional jails

10. Technical Amendment Necessary: No

11. Other Comments: None