

Department of Planning and Budget 2021 Fiscal Impact Statement

1. Bill Number: HB1991

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Jones

3. Committee: House Committee for Courts of Justice

4. Title: Release and review hearing for serious offenders

5. Summary: Currently, certain juveniles are determinately committed to the Department of Juvenile Justice under §16.1-285.1 (commitment of serious offenders). For juveniles who are under determinate commitment, the court specifies the length of the commitment, has continuing jurisdiction over the juvenile, and must conduct period reviews if the juvenile remains in direct care for longer than 24 four months. The proposed bill amends §16.1-285.1 and would allow the Department of Juvenile Justice (DJJ) to petition the court that committed a juvenile for a hearing, notwithstanding the terms of any plea agreement, for an earlier release of a juvenile when good cause exists.

The bill also amends §16.1-285.2 (release and review hearing for serious offenders). It would allow DJJ to petition the committing court for a determination as to the continued commitment of each juvenile committed as a serious offender at least 60 days prior to the second anniversary of the juvenile's date of commitment and at least 60 days prior to each annual anniversary thereafter as required under current law, notwithstanding the terms of any plea agreement. Similarly, at the conclusion of such hearing, the bill provides that notwithstanding the terms of any plea agreement, the court shall order any of the dispositions permitted under current law such as continued commitment to the Department or release of the juvenile under terms and conditions after considering the statutory factors.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: According to the Department of Juvenile Justice, the proposed bill is not expected to have a material fiscal impact on agency operations. It is not feasible to determine at this time the fiscal impact on DJJ bed capacity as a result of this legislation.

9. Specific Agency or Political Subdivisions Affected: Department of Juvenile Justice, Courts, and Commonwealth's Attorneys'

10. Technical Amendment Necessary: No

11. Other Comments: None