

## **Department of Planning and Budget**

### **2021 Special Session I Fiscal Impact Statement**

**1. Bill Number:** HB2167S1

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

**2. Patron:** Scott

**3. Committee:** Finance and Appropriations

**4. Title:** Parole; notice and certification, monthly reports, discretionary early consideration.

**5. Summary:** The substitute version of the bill modifies § 53.1-136.3(c) permitting the Parole Board to provide required notification, at least 21 business days prior to release on discretionary parole of any inmate convicted of a felony and sentenced to a term of 10 or more years, to an attorney for the Commonwealth in the jurisdiction where an inmate was sentenced, by electronic mail or other verifiable means, in addition to certified mail. The proposed legislation also establishes that the Department of Corrections shall set the release date for an inmate no sooner than 21 business days from the date that the Department of Corrections receives such notification from the Chairman of the Parole Board that the proper notification has been made to the attorney for the Commonwealth following a decision to grant parole to any prisoner.

The proposed legislation also modifies § 53.1-136.7 requiring the Board to publish by the last day of every month a statement regarding the action taken by the Board on the parole of prisoners. The statement must include the offenses of which the prisoner was convicted, the jurisdictions in which such offenses were committed, the amount of time served by such a prisoner, and the basis on which parole was denied. The bill also provides that if parole is granted to the prisoner, his name must be included on the statement published on the last day of each month only if the attorney for the Commonwealth and any victims have been notified of the decision to grant parole prior to the statement's publication; otherwise, the prisoner's name must be included on the statement published the following month.

The bill also adds subsection 9 to § 53.1-136 establishing that the Parole Board will notify by certified mail and electronic mail or other verifiable electronic means, at least 21 business days prior to conditional release of any geriatric or terminally ill inmate convicted of a felony, the attorney for the Commonwealth in the jurisdiction where the inmate was sentenced, and that nothing in the section is to be construed in a manner to alter the obligations of the Board under section 53.1-155 for investigation prior to release.

Lastly, the legislation modifies § 53.1-155(B) requiring notification to be sent to the attorney for the Commonwealth and the director of the victim/witness program, if one exists, of the jurisdiction in which the offense occurred, that a victim may submit to the Virginia Parole Board evidence concerning the impact that the release of the prisoner will have on such victim. The legislation also permits the victim to present electronic, in addition to written

requests, to receive certain specified information from the Board concerning the change in status of a prisoner.

**6. Budget Amendment Necessary:** No.

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

**8. Fiscal Implications:** The proposed legislation requires a change to the monthly reporting system currently populated on a monthly basis to the Parole Board's (Board) website. Currently, the Board publishes a monthly report using a reporting system which is managed by the Department of Corrections (DOC). The current monthly report captures the following categories from this system: the inmate number, name, case type (discretionary or geriatric), decision date, decision, certification date, age, sex, race and reasons for not granting parole. According to the Board, compliance with the implementation of the proposed legislation will require modifications to the reporting system in order to add the new categories required by the bill. According to DOC, the cost to make the programming modifications necessary to the reporting system for the Parole Board's monthly report is expected to be a one-time cost of \$19,200. However, DOC should be able to absorb this one-time cost to make the necessary programmatic modifications.

Currently, under § 53.1-155(B) the Board is required to notify a victim that he or she may submit evidence to the Board concerning the impact that the release of a prisoner will have on such victim. This notification is to be sent to the last address provided to the Board by any victim of a crime for which the prisoner was incarcerated. The proposed legislation also requires the Board to send the notification to the Attorney for the Commonwealth and the Director of the Victim/witness program, if one exists, of the jurisdiction in which the offense occurred. Under existing practice, victims are notified via a separate DOC database system. According to the Board, this database will require re-programming to implement the requirement to also provide notification to a respective Attorney of the Commonwealth and a Victim/Witness program director. The cost for programming this internal database is estimated to be approximately \$30,000 to DOC. However, DOC should be able to absorb this one-time cost to modify the system for reporting purposes.

The proposed legislation also requires DOC to set the release date for a prisoner no sooner than 21 business days from the date of notification from the chairman of the Board that the proper notification has been made to the attorney for the Commonwealth following a decision to grant parole to any prisoner. DOC states that this is consistent with existing practice.

**9. Specific Agency or Political Subdivisions Affected:** Virginia Parole Board; Virginia Department of Corrections, Commonwealth's Attorneys.

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

**11. Other Comments:** None.