

**REVISED 2/12/2021**  
**Department of Planning and Budget**  
**2021 Special Session I Fiscal Impact Statement**

**1. Bill Number:** SB1103

**House of Origin**    ☒ Introduced    ☐ Substitute    ☐ Engrossed

**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:** Suetterlein

**3. Committee:** General Laws and Technology

**4. Title:** Virginia Freedom of Information Act; Virginia Parole Board member votes.

**5. Summary:** The proposed legislation establishes that the individual votes of the members of the Parole Board shall be public records and subject to the provisions of the Virginia Freedom of Information Act.

**6. Budget Amendment Necessary:** Yes, Item 429, see Line #8.

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

**8. Fiscal Implications:** The Parole Board (Board) reports that the requirement to make petition requests subject to public record and existing provisions of the Virginia Freedom of Information Act (FOIA) may require additional personnel resources.

The Board reports that there are currently 2,484 parole eligible offenders that are to be considered by the Board. This includes both offenders who were incarcerated prior to the abolition of parole and geriatric offenders. The Board reports that data from the Department of Corrections (DOC) indicates that an average of 305 offenders per year are due to become eligible for parole beginning in FY 2022 through FY 2026. Additionally, Board members also review and vote on an average of 829 pardon petitions per year.

According to the Board, the proposed legislation will require staff to manually extract each case and prepare a report based on each Board member's vote, comments entered, and the overall decision on the particular case. Staff will then need to compile and prepare such information for either public dissemination, or for specific FOIA requests. Upon further review of the legislation, the Board also believes that because the provision of the bill could encompass any matter a Board member votes on, including but not limited to conditional release, pardons, revocations of any kind, decisions to proceed with rescission hearing, and changes to policies, the Board believes it may need up to two full-time staff positions rather than the two part-time positions initially identified. Additionally, the Board believes that pursuant to a previous opinion issued by the Attorney General (1992) in reference to FOIA, the proposed legislation may apply not only to future decisions by the Board but also to past

decisions for which there are records in the possession of the Board as of the effective date of the implementation of the proposed legislation.

While it is not known how many FOIA requests the Board will receive each year, due to the number of offenders eligible for review by the Board, currently and in future years, and the scope of potential requests, the Board reports that it does not have sufficient support staff to compile the decisions of Board members for FOIA request purposes and may require up to two full-time Program Support Technicians. The annual salary for one such position, including benefits, is estimated to be \$63,642 annually.

The Board also reports that the proposed legislation will require a program change to the Department of Corrections Information System (CORIS) in order to extract voting data by individual Board members. According to the CORIS representative from DOC, this change will cost approximately \$50,000 to be paid to the CORIS vendor, ABILIS. DOC should be able to absorb the one-time cost to modify CORIS.

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

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

**11. Other Comments:** None.