

## **Department of Planning and Budget 2021 Special Session I Fiscal Impact Statement**

**1. Bill Number:** SB1104H1

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

**2. Patron:** Obenshain

**3. Committee:** Courts of Justice

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

- 5. Summary:** The substitute version of the bill establishes that the Parole Board is required to notify the Department of Corrections of its decision to grant discretionary parole or conditional release to an inmate, by electronic mail or other verifiable electronic 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 30 business days from the date that the Department of Corrections receives such notification from the Chairman of the Parole Board, except that the Department of Corrections may set an earlier release date in the case of an inmate granted conditional release pursuant to § 53.1-40.02 (conditional release of terminally ill prisoners).

The legislation also requires that in the case of an inmate granted parole who was convicted of a felony and sentenced to a term of 10 or more years, or an inmate granted conditional release, the Board is required notify the attorney for the Commonwealth in the jurisdiction where the inmate was sentenced, (i) by electronic means at least 21 business days prior to such inmate's release that such inmate has been granted discretionary parole or conditional release pursuant to § 53.1-40.01 (conditional release of geriatric prisoners) or § 53.1-40.02 (conditional release of terminally ill prisoners) (ii) by telephone or other electronic means prior to such inmate's release that such inmate has been granted conditional release pursuant to § 53.1-40.02 (conditional release of terminally ill prisoners) where death is imminent.

The proposed legislation also requires the Board to publish by the fifteenth day of each following month a statement regarding the action taken by the Board on the parole of prisoners during the prior month. 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 granted or denied.

The bill also provides that if parole is granted to the prisoner, his name must be included on the statement published on the fifteenth 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.

Lastly, the legislation also provides that if additional victim research is necessary, electronic notification shall 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. 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.

The bill provides that the provisions amended in § 53.1-136 shall become effective on July 1, 2022.

- 6. Budget Amendment Necessary:** See Line #8 below.
- 7. Fiscal Impact Estimates:** Preliminary (see Item 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.

The proposed legislation also requires that Commonwealth's Attorneys and Victim Witness Directors of the jurisdiction in which the prisoner's offense occurred be notified if their assistance is required for additional victim research. The Board uses DOC's 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. As a result, the Board believes it will frequently find it necessary to solicit the assistance of local Commonwealth Attorneys and Victim Witness Directors for the purposes of victim research.

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 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 Board reports that this position would also be able to assist with coordinating victim research efforts with local Commonwealth Attorneys and Victim Witness Directors.

The proposed legislation also requires that in the event that a prisoner was initially convicted of a felony and sentenced to a term of ten or more years and is subsequently granted parole, the Board is required to notify the Commonwealth's Attorney for the jurisdiction in the jurisdiction where the inmate was sentenced that such inmate has been granted discretionary parole. The proposed legislation stipulates that such notification is to be (i) by electronic means at least 21 business days prior to such inmate's release or (ii) in the case of an inmate granted parole pursuant to § 53.1-40.01 or § 53.1-40.02, by telephone or other electronic means prior to such inmate's release. The Board anticipates to be able to absorb this additional requirement for notification within existing resources.

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

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

**11. Other Comments:** None.