

Department of Planning and Budget

2021 Fiscal Impact Statement

1. Bill Number: SB1104S1

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

2. Patron: Obenshain

3. Committee: Rehabilitation and Social Services

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

5. Summary: The proposed legislation adds electronic to the approved means of providing release notification to a Commonwealth's attorney in jurisdiction where the inmate was sentenced. It also requires that upon receiving notice from the chairman of the Virginia Parole Board (Board) that the proper notification has been made to the attorney for the Commonwealth following a decision to grant parole to any prisoner, the Department of Corrections shall set the release date for such prisoner no sooner than 21 business days from the date of notification.

The proposed legislation also provides that the Board publish on the last day of every month a statement regarding the action taken by the Board on the parole of prisoners. In addition to a list with the name of each prisoner considered for parole, the statement must also include the offenses of which the prisoner was convicted, the jurisdictions in which such offenses were committed, and the amount of time the prisoner has served. If parole was granted to a prisoner, his name must also be included on the statement published on the last day of every month only if the attorney for the Commonwealth and any victims have been notified of such decision to grant parole prior to the statement's publication; otherwise, such prisoner's name must be included on the statement published the following month. Under existing law, the Board is required to publish a monthly statement that lists the name of each prisoner considered for parole and indicates whether parole was granted or denied and the basis for denial.

The bill also amends §53.1-155 (investigation prior to release). Currently, a person cannot be released on parole by the Board until an investigation has been made into the prisoner's history, physical and mental condition and character and his conduct, employment and attitude while in prison. Under current law, the investigation conducted by the Board must include notification that a victim may submit to the Board evidence concerning the impact that the release of the prisoner will have on such victim. The proposed bill requires that the notification must also be sent to the attorney for the Commonwealth and the direction of the victim/witness program, if one exists, of the jurisdiction in which the offense occurred.

Additionally, under the proposed bill, the victim of a crime for which the prisoner is incarcerated may submit a request in writing or by electronic means to the Board to be notified of (i) the prisoner's parole eligibility date and mandatory release date as determined

by the Department of Corrections, (ii) any parole-related interview dates, and (iii) the Board's decision regarding parole for the prisoner.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary (see Item 8 below).

8. Fiscal Implications: Currently, the Parole Board (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 change in § 53.1-136(7) 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 modify the reporting system.

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; Department of Corrections; Commonwealth's Attorneys.

10. Technical Amendment Necessary: No

11. Other Comments: None