

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: HB735

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

2. Patron: Bell

3. Committee: Courts of Justice

4. Title: Department of Corrections; earned sentence credits.

- 5. Summary:** Under current law, an inmate may earn a maximum of four and one-half sentence credits for each 30 days served. The 2020 Special Session I of the General Assembly passed legislation that replaces the current system, beginning July 1, 2022, with a four-level classification system, allowing sentence credits to be earned based on an inmate's behavioral conduct and participation in all programs to which the inmate is assigned pursuant to § 53.1-32.1 (Classification system; program assignments; mandatory participation). Inmates who are convicted of certain crimes will not be eligible to participate in the enhanced sentence credit system and instead will continue to earn the current four and one-half sentence credits for each 30 days served.

This bill repeals the four-level classification system for awarding and calculating earned sentence credits.

6. Budget Amendment Necessary: Yes, Item 404.

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

- 8. Fiscal Implications:** Data provided by the Department of Corrections (DOC) during the development of the 2022-2024 Introduced budget (HB30/SB30) estimated that 1,426 inmates in the state-responsible (SR) confined population on June 30, 2021, would see their expected release date move up into the next 12 months (i.e. they would be released earlier than under the current earned-sentence-credit structure). More than one-quarter of these (n=391) would be released on the first day of implementation. DOC estimated that another 9,457 inmates would become eligible for release sometime after the first year of implementation. According to DOC, any bed space made available as a result of releasing inmates from DOC facilities under the enhanced earned-sentence-credit structure would be filled by transferring SR inmates from jails. According to DOC, there are 7,251 SR inmates currently housed in local jails. At this time, it is not known how many of these SR inmates would be transferred to DOC facilities, and the impact it would have on per diem payments made by the Compensation Board to local jails.

The DOC received funding and positions, beginning in FY 2021, to implement the time computation provisions associated with the new enhanced earned-sentence-credit structure.

Specifically, DOC received \$1 million in one-time general fund support to make required changes to CORIS (the offender management system DOC uses to track and classify inmates) and \$304,753 of general fund support to hire two information technology specialists and 10 new time computation staff (12 full-time positions total, prorated to assume a start date of March 2021). DOC has obligated the \$1.0 million appropriated for CORIS modifications. DOC's budget also included \$4.5 million from the general fund in FY 2022 to annualize the salary and benefit costs for the 12 positions and to cover the cost of 74 new full-time positions to support the release of eligible inmates (including community release staff, sex offender screening staff, intake staff, counselor staff, and academic instructors; these positions were funded on a prorated basis in FY 2022). In total, 86 full-time positions have been provided for the implementation of the enhanced earned-sentence-credit structure. The 86 positions did not include additional probation and parole officers, which were not needed until after the legislation took effect.

Positions provided for implementation would no longer be needed if the enhanced earned-sentence-credit structure is repealed. DOC reports that 61 of the 86 positions have not yet been established (not filled and not in the recruitment process). The table below shows the status of all 86 positions, including filled and unfilled and the estimated cost to support these positions (salary and benefit costs); those listed as established are currently in the recruitment process but no offers have yet been made. This data was provided by DOC.

Position	Quantity currently filled	Annual cost of filled positions	Quantity established (in recruitment process)	Annual cost of established positions	Quantity not yet established (unfilled, not in recruitment)	Annual cost of unfilled positions
Information Technology Support	2	\$183,661				
Time Computation	6	\$426,932	4	\$276,804		
Community Placement			13	\$1,046,515	2	\$161,960
Sex Offender Screening					2	\$186,768
Intake Staff					5	\$393,670
Casework Counselors					25	\$1,897,625
Academic Instructors					12	\$1,140,612
Cognitive Counselors					15	\$1,123,935
Total	8	\$610,593	17	\$1,323,319	61	\$4,904,570

In total, the introduced budget (HB30/SB30) includes \$7.9 million general fund in FY 2023 and \$8.1 million general fund in FY 2024 to implement the enhanced earned-sentence-credit structure. This includes base funding of \$4.5 million each year to cover positions that were provided in FY 2021 and FY 2022 (some of which were prorated), \$2.3 million each year to annualize positions that were prorated in FY 2022, and \$1.1 million in FY 2023 and \$1.3

million in FY 2024 to hire 19 new probation and parole officers to handle the additional workload expected as a result of releasing inmates who would need community supervision under the enhanced earned-sentence-credit structure. The 19 new probation and parole officer positions would also not be needed under the proposed bill.

According to DOC, modifications to the CORIS system to support the enhanced earned-sentence-credit structure have been made but are not currently active (the system is currently calculating earned-sentence-credits under the four and one-half days for every 30 days served model and would continue to do so). According to the DOC, changes to the CORIS system would be required to remove the code that has already been written before any other sentence calculation application changes could be processed. DOC reports that the two information technology specialist positions (shown as filled in the table above) are integral to the CORIS change/testing process. Remediating the CORIS application to remove the code would cost approximately \$84,000 and take 12 to 18 months from the time the bill became effective. It is expected that this one-time cost can be absorbed by DOC. However, the cumulative costs associated with other bills that are passed during the 2022 General Assembly session may have to be addressed if multiple or complex changes to CORIS are ultimately required.

Overall, under this proposed bill, DOC would no longer require approximately \$7.7 million general fund in FY 2023 and \$7.9 million general fund in FY 2024.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections; Compensation Board; local and regional jails.

10. Technical Amendment Necessary: No

11. Other Comments: None