

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: SB5

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 individual votes of the members of the Virginia Parole Board shall be public records and subject to the provisions of the Virginia Freedom of Information Act.

6. Budget Amendment Necessary: Yes, Item 433.

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

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.

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 \$66,555 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 \$108,000 to be paid to the CORIS vendor, ABILIS. DOC should be able to absorb the one-time cost to modify CORIS. It is expected that this one-time cost can be absorbed by the Department of Corrections (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. Additionally, due to the volume of changes currently being made to CORIS, DOC may not be able to make changes required by this bill immediately upon its passage.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.