

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: HB2230

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Wampler

3. Committee: Courts of Justice

4. Title: Revocation of postrelease supervision.

5. Summary: Current law requires that whenever any felon serving a period of postrelease supervision is arrested and recommitted, a preliminary hearing to determine probable cause that such person has violated one or more of the terms or conditions upon which he was released on postrelease period of supervision must be held by a hearing officer designated by the Director of the Department of Corrections. In cases where a nolle prosequi is to be entered, no preliminary hearing is required.

This bill requires that, upon request of the hearing officer, the attorney for the Commonwealth of the jurisdiction within which such hearings are to be held shall request the circuit court of such jurisdiction to appoint one or more discreet attorneys-at-law to represent parolees in any proceedings held before him. Each attorney so appointed must be available to serve upon request of the hearing officer. The bill provides that the term of each attorney's appointment will continue until such time as a successor may be appointed. The bill authorizes a hearing officer to issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers, and other documents before him and to administer oaths and to take testimony thereunder.

The bill provides that, upon a finding of probable cause by the hearing officer, the circuit court of the sentencing jurisdiction shall conduct a revocation hearing subject to the provisions of §§ 19.2-306, 19.2-306.1, and 19.2-306.2 (sections govern revocation of suspension of sentence and probation, etc.).

The bill also provides that, upon revocation of parole for any felony offense, the Circuit Court of the sentencing jurisdiction must order that the Department of Corrections take fingerprints and a photograph of the person for each offense and transmit such information to the Central Criminal Records Exchange pursuant to subsection D of § 19.2-390.

6. Budget Amendment Necessary: Indeterminate

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

8. Fiscal Implications: This bill may reduce the workload of the Virginia Parole Board as a result of not having to review approximately 60 affected cases per year; however, the impact is likely to be small. The impact this bill may have on courts, Commonwealth Attorneys, or other state agencies is not known at this time. If additional information becomes available, this impact statement will be revised.

9. Specific Agency or Political Subdivisions Affected: Virginia Parole Board, Department of Corrections, courts, Commonwealth Attorneys

10. Technical Amendment Necessary: No

11. Other Comments: None