

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: HB2230 ER

House of Origin Introduced Substitute Engrossed

Second House In Committee Substitute Enrolled

2. Patron: Wampler

3. Committee: Passed both Houses

4. Title: Revocation of postrelease supervision.

5. Summary: Under current law, the Chairman or any member of the Virginia Parole Board (VPB) may at any time upon information or a showing of a violation or a probable violation issue a warrant for the arrest and return of a felon serving a period of post-release supervision.

This bill directs the circuit court of the sentencing jurisdiction to initiate proceedings against a felon serving a period of post-release supervision upon a showing of a violation or probable violation of any of the terms or conditions of his release. The bill requires that, upon request of the felon or his attorney, the circuit court of the sentencing jurisdiction must as soon as practicable consider all the circumstances surrounding the allegations of such violation that caused the warrant, including the probability of conviction thereof, and may, after such consideration, release the felon, pending adjudication of the violation charged.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: According to information provided by the Department of Corrections (DOC), there are several types of obligations within community corrections supervision: 1) Parole; 2) Probation; 3) Post-Release Supervision; 4) Conditional Release; 5) Interstate Compact; and 6) any other supervision type not listed in the previous five. Persons placed on community supervision are assigned to one major supervision group but can have more than one of these obligations. Under current law, VPB has default jurisdiction over supervisees on post-release supervision unless the sentencing court specifies that it wishes to maintain jurisdiction.

This bill is not expected to have a material fiscal impact on courts. Any impact on state-responsible bed space would depend on how courts sentence supervisees who violate post-release obligations.

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. According to the Department of Behavioral Health and Developmental Services, this bill is not expected to have a fiscal impact on agency operations. The impact this bill may have on Commonwealth Attorneys or other state agencies is not known at this time. The impact this bill may have on the Department of Corrections' probation and parole workload is not known at this time.

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

10. Technical Amendment Necessary: No

11. Other Comments: None