

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: SB1242

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Obenshain

3. Committee: Rehabilitation and Social Services

4. Title: Geriatric prisoners; conditional release; review hearings.

5. Summary: This bill directs the Parole Board to review annually all petitions for geriatric conditional release submitted by any person serving a sentence imposed upon a conviction for a felony offense, other than a Class 1 felony, (i) who has reached the age of 65 or older and who has served at least five years of the sentence imposed or (ii) who has reached the age of 60 or older and who has served at least 10 years of the sentence imposed may petition the Parole Board for conditional release. The bill also provides that the Parole Board may, however, defer subsequent hearings for up to three years if an initial hearing was held and the petition for conditional release was denied. The bill also requires that, in situations in which a person who is eligible for parole under current law also files a petition for geriatric conditional release, the Parole Board must conduct the reviews for such parole and conditional release at a single hearing.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: According to the Parole Board, this bill is not expected to have a fiscal impact on agency operations.

9. Specific Agency or Political Subdivisions Affected: Virginia Parole Board

10. Technical Amendment Necessary: No

11. Other Comments: The appropriation act (Item 433 of HB1400/SB800) contains the following language: “Notwithstanding the provisions of § 53.1-40.01, Code of Virginia, the Parole Board shall annually consider for conditional release those inmates who meet the criteria for conditional geriatric release set out in § 53.1-40.01, Code of Virginia, except that upon any such review the Board may schedule the next review as many as three years thereafter. If any such inmate is also eligible for discretionary parole under the provisions of § 53.1-151 et seq., Code of Virginia (eligibility for parole), the board shall not be required to consider that inmate for conditional geriatric release unless the inmate petitions the board for

conditional geriatric release.” Because the appropriation act supersedes statutory law, a budget amendment may be needed in order for the bill to have its intended effect.