

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB308

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

2. Patron: Ballard

3. Committee: Committee Referral Pending

4. Title: Conditional release of geriatric prisoners.

5. Summary: Under current law, 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 sixty-five or older and who has served at least five years of the sentence imposed or (ii) who has reached the age of sixty or older and who has served at least ten years of the sentence imposed may petition the Parole Board for conditional release.

This bill expands the list of offenses, committed on or after July 1, 2024, that would make a person ineligible for parole, including certain violent felony offenses enumerated in the bill and certain second or subsequent felony violations when such offenses were not part of a common act, transaction, or scheme while the person was at liberty (as defined in § 53.1-151) between each conviction.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: According to the Virginia Department of Corrections (DOC), a total of 3,282 inmates were considered for geriatric release during FY2020-FY2023. Of those considered during the four-year period, 125 inmates (3.8%) were granted release under the geriatric provision. Although this bill would reduce the number of inmates eligible for geriatric release under § 53.1-40.01 (conditional release of geriatric prisoners), the proposal applies to offenses committed on or after July 1, 2024, and would not affect the eligibility of current inmates.

Ultimately, the Virginia Parole Board (VPB) makes decisions on whether to grant geriatric release. However, according to the Virginia Criminal Sentencing Commission (VCSC), given the prospective (rather than retroactive) application of the proposal, felony case processing time in circuit courts (which averages about 11 months), and the Parole Board's grant rate for geriatric release, designating certain future inmates as ineligible for geriatric release is unlikely to have an impact on state responsible (prison) bed space needs during the six-year population forecast window. Therefore, pursuant to §30-19.1:4 of the Code of Virginia, VCSC has assigned a \$0 impact on state adult correctional facilities (prisons). The

proposal only applies to state inmates and is not expected to have an impact on local-responsible (jail) bed space needs.

According to the VPB, the changes proposed by this bill are not expected to have a material impact on agency operations. However, this bill would require changes to CORIS, which the Department of Corrections (DOC) uses to track offender data including parole eligibility status, to identify inmates who commit disqualifying crimes after July 1, 2024, and separate them from the existing geriatric parole eligible offenders by the types of crimes committed. The one-time estimated cost to make the required changes is \$360,000. The one-time modification costs are expected to be absorbed by DOC. The bill is not expected to have any other fiscal impact on DOC operations.

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

10. Technical Amendment Necessary: No

11. Other Comments: None