

Department of Planning and Budget

2024 Session Fiscal Impact Statement

1. Bill Number: HB457 H1

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

2. Patron: Callsen

3. Committee: Appropriations

4. Title: Decreasing probation period; criteria for mandatory reduction.

5. Summary: Under current law, court may subsequently increase or decrease the probation period and may revoke or modify any condition of probation, but only upon a hearing after reasonable notice to both the defendant and the attorney for the Commonwealth. This bill provides that a court may decrease a defendant's probation period if warranted by the defendant's conduct and in the interests of justice and may do so without a hearing.

This bill establishes criteria for which a court must reduce a defendant's probation period including completing qualifying educational activities, maintaining verifiable employment, and completing a mental health or substance abuse treatment program. The bill requires a defendant's probation officer to calculate any reductions to such defendant's supervised probation for any qualifying evidence-based recidivism-reducing activities on at least a quarterly basis and sets verification criteria for such activities.

The bill requires that when the accumulation of time served on probation and any earned reduction is equal to the imposed supervised probation term, and the defendant has satisfied all nonmonetary conditions of his supervised probation, including any court-ordered programming or community service hours, the probation officer must notify the court of the defendant's reduction in his probation term. Upon receipt of this information, the court must enter an order discharging the person from supervised probation.

6. Budget Amendment Necessary: See Item 8 below.

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

8. Fiscal Implications: According to the Department of Corrections (DOC), there are currently 61,803 probationers on active supervision in the community as ordered by the Circuit Courts of Virginia. However, DOC reports that it may not have the education or employment data the bill requires and cannot estimate the number of probationers that may qualify for reduced sentences under the bill. DOC believes that reporting the information quarterly, as required by the bill, would increase the workload expected of Probation and Parole officers. To the extent that this bill would require additional Probation and Parole officers, funding of \$76,811 general fund (includes salary and benefits) per officer would be required.

According to the Office of the Executive Secretary of the Supreme Court (OES), this bill is not expected to have a fiscal impact on courts.

The Office of the Attorney General reports that this bill may require the agency to respond and litigate additional cases filed under the proposed bill and, therefore, may have a fiscal impact on agency operations. However, the fiscal impact cannot be quantified at this time.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, Office of the Attorney General, courts

10. Technical Amendment Necessary: No

11. Other Comments: None