

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB45

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|-----------------|-------------------------------------|--------------|--------------------------|------------|--------------------------|-----------|
| House of Origin | <input checked="" type="checkbox"/> | Introduced | <input type="checkbox"/> | Substitute | <input type="checkbox"/> | Engrossed |
| Second House | <input type="checkbox"/> | In Committee | <input type="checkbox"/> | Substitute | <input type="checkbox"/> | Enrolled |

2. Patron: Seibold

3. Committee: Courts of Justice

4. Title: Earned sentence credits; incarceration prior to entry of final order of conviction.

5. Summary: Under current law, every person who is convicted of a felony offense committed on or after January 1, 1995, and who is sentenced to serve a term of incarceration in a state or local correctional facility is eligible to earn sentence credits in the manner prescribed by 53.1-202.2 (Eligibility for earned sentence credits). Such eligibility commences upon the person's incarceration in any correctional facility following entry of a final order of conviction by the committing court.

This bill provides that any period of incarceration in any correctional facility for which a person was held on the charge of conviction, including any period of incarceration prior to conviction, must be used in calculating earned sentence credits.

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), inmates do not currently receive earned sentence credits on time served for incarceration periods prior to conviction. Under the provisions of this bill, inmates would receive credit for time served in jails before they were convicted and before a final sentencing order of conviction was issued. This is expected to reduce the total amount of time an inmate has to serve, which would, in turn, lower costs for the Commonwealth. However, tracking and reporting earned sentence credits for such periods of time would require new processes for both DOC and local and regional jails. Therefore, the number of inmates affected by this bill and the impact it would have on inmates' lengths of sentences is not known at this time.

DOC reports that this bill would require extensive modification upgrades to the CORIS, which is the offender management system DOC uses to calculate earned sentence credits in order for it to capture credits earned during the entire period of a person's incarceration (before and after conviction). DOC estimates the one-time cost of the required modifications at \$350,000 and estimates that 12 months would be needed to implement and test the changes. It is expected that DOC could absorb the one-time costs associated with the modification.

According to the Compensation Board, although this bill may reduce the total time an inmate is required to serve, it is not expected to reduce the time an inmate spends in jail and, therefore, would not have an impact on the per diem amounts the Commonwealth pays to jails.

The impact this bill may have on the inmate management systems used by local and regional jails is not known at this time. If additional information becomes available, this impact statement will be revised.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, local and regional jails

10. Technical Amendment Necessary: No

11. Other Comments: None