

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB520H1

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

2. Patron: Hope

3. Committee: Courts of Justice

4. Title: Promise to appear after the issuance of a summons; issuance of summons instead of warrant in certain cases; nonviolent felonies.

5. Summary: Provides that if any person refuses to give a written promise to appear after the issuance of a summons, the State Inspector General or an investigator designated by him; the Executive Director of the Virginia Board of Accountancy or an investigator designated by him; or the arresting officer will give such person notice of the time and place of the hearing, note such person's refusal to give his written promise to appear on the summons, and forthwith release him from custody. Under current law, any person refusing to give such written promise to appear is required to be taken immediately by the arresting officer before magistrate or other issuing officer having jurisdiction. The substitute provides that any person who willfully violates his written promise to appear or fails to appear at the time and place specified in such summons or notice will be treated in accordance with the provisions of § 19.2-128 (penalties for failure to appear), relating to penalties for failure to appear, regardless of the disposition of, and in addition to, the change upon which he was originally arrested.

The bill also provides that a law-enforcement officer, at his discretion, may issue a summons instead of a warrant for certain felony offenses, described in the bill, if (i) in the judgment of the officer, the person charged will cease committing the illegal act; (ii) in the judgment of the officer, the person charged does not pose an immediate threat to public safety; and (iii) the person charged signs a written promise to appear at the time and place of the hearing. The bill prohibits a law-enforcement agency from creating a policy that requires or prohibits release for persons meeting such criteria.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary, see Item 8 below.

8. Fiscal Implications: Currently under § 19.2-128 it is a Class 6 felony to willfully fail to appear before any court for a person charged with or convicted of a felony offense. It is a Class 1 misdemeanor for any persons charged with or convicted of a misdemeanor offense. However, there is not sufficient information to determine any potential decrease in local or state responsible offenders as a result of the bill.

9. Specific Agency or Political Subdivisions Affected: State and local law enforcement agencies, Courts, Office of State Inspector General.

10. Technical Amendment Necessary: No.

11. Other Comments: None.