

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: SB654 E

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

2. Patron: Williams Graves

3. Committee: Finance and Appropriations

4. Title: Fines, costs, forfeitures, penalties, and restitution; collection fees; assessment.

5. Summary: This bill extends the criteria for delinquent payments of fines, costs, forfeitures, and penalties from 90 days to 180 days. The engrossed version of this bill requires that for any defendant sentenced to an active term of incarceration and ordered to pay any fine, cost, forfeiture, or penalty related to the charge for which such defendant was sentenced on the same day, the court must enter such defendant into a deferred payment agreement for such fines, costs, forfeitures, or penalties. The due date for such deferred payment agreement shall be set no earlier than the defendant's scheduled release from incarceration on the charge for which such defendant received the longest period of active incarceration.

Current law provides that when a person sentenced to the Department of Corrections or a local correctional facility owes any fines, costs, forfeitures, restitution, or penalties, he must be required as a condition of participating in any work release, home/electronic incarceration, or nonconsecutive days program as set forth in § 53.1-60, 53.1-131, 53.1-131.1, or 53.1-131.2 to either make full payment or make payments in accordance with his installment or deferred payment agreement while participating in such program. If, after the person has an installment or deferred payment agreement, the person fails to pay as ordered, his participation in the program may be terminated until all fines, costs, forfeitures, restitution, and penalties are satisfied. The Director of the Department of Corrections and any sheriff or other administrative head of any local correctional facility must withhold ordered payments from any amounts due to such person. This engrossed version of this bill requires that amounts assessed but not yet due under a deferred payment agreement must also be withheld from such payments.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: The Office of the Executive Secretary of the Supreme Court reports that the number defendants who defaulted on payment requirements after 90 days but would have been able to make payment prior to 180 days is not known. Therefore, is not possible to estimate the impact this bill would have on delinquent collections.

According to the OES, this bill would require modifications to accounting systems to change the timeframe before which a case is marked as being in default, and to mark the due date according to the defendant's release date on the longest period of incarceration. The estimated one-time cost for the system enhancements is \$74,000. It is expected that the agency could absorb this cost.

According to the Department of Corrections, this bill is not expected to have a material impact on agency operations. The impact this bill may have on local and regional jails is not known at this time. If additional information becomes available, this statement will be revised.

This bill is not expected to have a fiscal impact on the Department of Taxation's agency operations and is not expected to have an impact on state tax revenue.

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

10. Technical Amendment Necessary: No

11. Other Comments: None