

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB1252

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

2. Patron: McClure

3. Committee: Courts of Justice

4. Title: Limitation on sentence upon revocation of suspension of sentence; technical violations.

5. Summary: This bill provides that when conducting a revocation hearing, the court must consider at the same revocation hearing all alleged technical violations that occurred prior to the revocation hearing and have not been previously considered by the court.

The bill also requires that when a defendant has been taken into custody for an alleged first or second technical violation for which the court may only impose up to 14 days of active incarceration, the court must adjudicate such violation within 14 days of the defendant being taken into custody. The bill provides that if such violation is not adjudicated within 14 days of the defendant being taken into custody, the defendant shall be admitted to bail, unless (i) such defendant consents to being further detained while awaiting adjudication or sentencing or (ii) the Commonwealth has established, by clear and convincing evidence, that the defendant presents a significant risk of harm to himself or the community based on substance use disorder or serious mental illness and has been referred for residential treatment. The bill provides that no such defendant shall be held in custody awaiting adjudication of or sentencing on such alleged technical violation for longer than 30 days.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: According to the Office of the Executive Secretary of the Supreme Court, this bill is not expected to have a material impact on courts. The Department of Corrections reports that this bill is not expected to have a fiscal impact on agency operations.

9. Specific Agency or Political Subdivisions Affected: Courts, Department of Corrections.

10. Technical Amendment Necessary: No

11. Other Comments: This bill is companion to SB505.