

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: SB1361

House of Origin Introduced Substitute Engrossed

Second House In Committee Substitute Enrolled

2. Patron: Morrissey

3. Committee: Rules

4. Title: Parole Board; membership; eligibility determinations; reports.

5. Summary: This bill makes the following changes that affect the Parole Board (the Board):

- Removes an exemption for certain records of the Board from the mandatory disclosure provisions of the Virginia Freedom of Information Act.
- Increases the number of Board members from five to 10, establishes a timeline for member appointments, provides appointment power over six of Board members to certain committees of the General Assembly, and establishes requisite criteria for Board members.
- Requires the Board to adopt rules regarding parole eligibility that require a public safety and scientific risk assessment and consideration of the prisoner's demonstrated rehabilitation, economic and educational development, commitment to prosocial behavior, and community and family supports.
- Requires the Board to make investigations and reports with respect to any commutation of sentence, pardon, reprieve or remission of fine, or penalty within two years of the submission of the petition for such commutation.
- Requires the Board to publish the statement of actions taken by the Board by the fifteen day of each month and requires that the statement include individualized reasons for the granting or denial of parole and the vote of each member and sets out requirements for an annual report of actions taken by the Board on the parole of prisoners during the prior year.
- Sets out requirements for information that must be shared with prisoners who are denied parole and with prisoners or their attorneys as a result of investigations.

6. Budget Amendment Necessary: Yes, Item 433

- 7. Fiscal Impact Estimates:** Preliminary. See Item 8 below.
- 8. Fiscal Implications:** Currently, the Parole Board consists of five members, two of which are full time and three of which are part time. According to the Board, expanding the number of Board members to 10 would require additional general fund resources depending on whether the new members were full time or part time. The Board estimates the cost for each new full-time member added at \$171,647 (includes salary and full benefits) and the cost for each new part-time member added at \$97,014 (includes salary and Social Security/Medicare benefits). Therefore, total annual costs for the additional Board members ranges from \$485,070 (if all are part-time) to \$958,235 (if all are full-time).

Board members are currently supported by three program technicians whose duties include entering data into CORIS (the Department of Corrections' offender management system), transcribing Board members' meetings with constituents, and other administrative responsibilities. The Board estimates the workload associated with expanding the Board from five members to 10 members would require the addition of three full-time program technicians at a cost of \$69,519 each (includes salary and full benefits). The total cost for all three program technicians would be \$208,557 annually.

The Board reports that changes the bill makes to monthly reporting responsibilities would require programming modifications to CORIS, estimated at \$108,000. It is expected that this one-time cost could be covered by the Department of Corrections using the agency's existing resources. There may also be costs associated with implementing a public safety and scientific risk assessment to inform parole decisions. However, it is not clear which assessment tool would be most appropriate; therefore, costs are not known at this time.

Currently, the Board is required to complete investigations and reports with respect to any commutation of sentence, pardon, reprieve or remission of fine, or penalty when requested by the Governor, with no time limit specified. According to the Board, requiring completion within two years of the submission of the petition for such commutation may significantly increase the agency's workload. However, the additional resources required to address this requirement are not known at this time. If additional information becomes available, this fiscal impact statement will be revised.

- 9. Specific Agency or Political Subdivisions Affected:** Virginia Parole Board, Department of Corrections
- 10. Technical Amendment Necessary:** No
- 11. Other Comments:** None