

## Department of Planning and Budget 2024 Session Fiscal Impact Statement

**1. Bill Number:** SB38

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

**2. Patron:** Peake

**3. Committee:** Judiciary

**4. Title:** Admission to bail; creates rebuttable presumptions against bail.

- 5. Summary:** Under the provisions of this bill, a judicial officer must presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the public if the person is currently charged with:
1. An act of violence as defined in § 19.2-297.1 (Sentence of person twice previously convicted of certain violent felonies);
  2. An offense for which the maximum sentence is life imprisonment; or
  3. Any felony committed while the person is on release pending trial for a prior felony under federal or state law or on release pending imposition or execution of sentence or appeal of sentence or conviction.

The bill also requires the judicial officer to consider specified factors when determining, for the purpose of rebuttal of the presumption against bail, whether there are conditions of release.

However, in a matter not governed by the offenses enumerated by the proposed bill, the granting or denying such bail may stay execution of such order for so long as reasonably practicable for the party to obtain an expedited hearing before the next higher court. Additionally, when a district court grants bail over the presumption against bail in a matter that is governed by the proposed provisions, and upon notice by the Commonwealth of its appeal of the court's decision, the court shall stay execution of such order for so long as reasonably practical for the Commonwealth to obtain an expedited hearing before the circuit court, but in no event more than five days, unless the defendant requests a hearing date beyond the five-day limit.

**6. Budget Amendment Necessary:** Indeterminate

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

**8. Fiscal Implications:** The bill may increase jail and prison bed space needs as a result of restricting the circumstances under which bail may be presumed.

There is not enough information available to reliably estimate the increase in jail and prison population as a result of this proposal.

**9. Specific Agency or Political Subdivisions Affected:** Local and regional jails, Commonwealth's Attorneys, Public Defender's Offices, courts, Compensation Board

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None