## Department of Planning and Budget 2025 General Assembly Session State Fiscal Impact Statement

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**Bill Number:** HB1773 **Patron:** Wyatt

**Bill Title:** Enhanced earned sentence credits; exemptions; firearm-related offense; felony conviction

while a prisoner.

**Bill Summary:** Removes any person convicted of a felony offense involving a firearm from eligibility for enhanced earned sentence credits and restricts any person convicted of a felony for an offense that occurred while a prisoner in a local, state, or community correctional facility from receiving any further earned sentence credits.

Budget Amendment Necessary: Yes Items Impacted: Item 390

**Explanation:** See below

**Fiscal Summary:** Proposal requires "Woodrum" impact funding per § 30-19.1:4, Code of Virginia, to account for a possible increase in the need for state prison beds due to this legislation.

## **General Fund Expenditure Impact:**

<u>Agency</u>	FY2025	<u>FY2026</u>	FY2027	<u>FY2028</u>	FY2029	FY2030
Dept. of Corrections		\$21,673,730				
TOTAL						

## **Fiscal Analysis:**

This proposal amends § 53.1-202.3 to limit the sentence credits that may be earned by incarcerated individuals serving time for certain felonies related to firearms. Under the bill, individuals convicted of specified firearm offenses would no longer be eligible for the enhanced sentence credits defined in § 53.1-202.3(B) [up to 15 days for every 30 days served]. Instead, these individuals would be eligible to earn a maximum of 4.5 days for every 30 days served under § 53.1-202.3(A). In addition, the bill would reduce earned sentence credits to zero for any individual who receives a felony conviction for an offense that occurred while he was confined in a local, state, or community correctional facility or in the custody of an employee thereof.

The proposal does not explicitly state if the changes in earned sentence credits would apply 1) retroactively to the entire sentence of a person who is serving time for one of the specified felonies as of July 1, 2025, or 2) only to the period of time served by individuals on or after July 1, 2025, or 3) only to persons sentenced on or after July 1, 2025, or 4) only to offenses committed on or after July 1, 2025.

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The Virginia Criminal Sentencing Commission reports that, based on Circuit Court Case Management System (CMS) data for fiscal year (FY) 2023 and FY2024, 5,213 (10.6 percent) of felony sentencing events involved a conviction for at least one felony firearm offense affected by the proposal. Of the 5,213 offenders, 67.7 percent received a state-responsible (prison) term. For the offenders who received a state prison term, the median sentence was 3.0 years. Another 18.1 percent received a local-responsible (jail) term with a median sentence of 6.0 months. The remaining 14.1 percent did not receive an active term of incarceration to serve after sentencing.

Based on this information, VCSC estimates the impact of the firearms portion of this proposal to be at least 395 additional prison beds statewide by FY2031. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is at least \$21,673,730. The analysis assumes the proposal applies to defendants whose offenses are committed on or after July 1, 2025 (not retroactively to those already serving time for an affected felony).

The proposal may also increase the need for local-responsible (jail) beds, specifically for felony offenders given a sentence of 12 months or less. The impact on jail beds is estimated to be at least 29 beds by FY2031 (state costs: \$593,723; local costs: \$914,269).

VCSC reports that it is not possible to estimate the impact of the proposal on inmates who commit offenses while incarcerated. The analysis excludes offenders sentenced solely for probation or other supervision violations, as the specific underlying offense is not easily identifiable. Therefore, the fiscal impact estimated by VCSC represents the minimum impact to the state and localities.

DOC reports that this bill would require extensive modification upgrades to the CORIS, which is the offender management system DOC uses to calculate earned sentence credits in order for it to capture credits earned during the entire period of a person's incarceration (before and after conviction). DOC estimates the one-time cost of the required modifications at \$350,000 and estimates that 12 months would be needed to implement and test the changes. It is expected that DOC could absorb the one-time costs associated with the modification.

The impact this bill may have on the inmate management systems used by local and regional jails is not known at this time. If additional information becomes available, this impact statement will be revised.

Other: None