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

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**Bill Number:** SB1068 **Patron:** Peake **Bill Title:** Admission to bail; rebuttable presumptions against bail.

**Bill Summary:** Creates a rebuttable presumption against bail for the following criminal offenses enumerated in the bill:

- An act of violence as defined in § 19.2-297.1 (Sentence of person twice previously convicted of certain violent felonies);
- An offense for which the maximum sentence is life imprisonment; or
- 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 requires a judicial officer to consider the newly added factors and such other factors as he deems appropriate in determining, for the purpose of rebuttal of the presumption against bail, whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of the public.

The bill provides that when a district court grants bail over the presumption against bail in a matter that is governed by subsection E of § 19.2-120 (enumerated offenses bulleted above) and upon notice by the Commonwealth of its appeal of the court's decision, the court must stay execution of such order for so long as reasonably practicable 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 outside the five-day limit.

Budget Amendment Necessary: No Items Impacted: N/A

**Explanation:** N/A

**Fiscal Summary:** This bill may increase jail and prison bed space needs as a result of restricting the circumstances under which bail may be presumed. However, future decisions to grant bail cannot be known. Therefore, the impact this bill may have on jail and prison bed space needs is indeterminate.

According to the Office of the Executive Secretary of the Supreme Court (OES), this bill is not expected to have a fiscal impact on Courts.

Fiscal Analysis: None required

**Other:** This bill is companion to HB1847.