

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

Courts

The bill requires the circuit court that entered the original judgment or order to schedule a hearing to consider modifying the sentence for anyone eligible under the provisions of the bill by January 1, 2026. Based on data provided by DOC, this would require 1,468 sentence modification hearings. This number may be higher if there are eligible inmates who are incarcerated in local or regional jails. OES reports that any court-appointed counsel for these hearings, as allowed by the bill, would be compensated at \$1,692 for their representation. The fiscal impact of this provision would have on the Criminal Fund depends on the number of people who were declared indigent.

OES reports that this bill is also expected to increase the workload of circuit court judges, who would be tasked with adjudicating petitions for modification. The added judicial workload is indeterminate but is expected to be significant.

Although the bill specifies that an appeal is permitted only when the circuit court's decision is "contrary to law," the Court of Appeals must address even appeals that are not meritorious, defaulted, or waived. Because of this, OES reports that the Court of Appeals is likely to need additional Deputy Clerk positions and additional Staff Attorney positions in the future to adequately handle this additional workload. The impact to the Criminal Fund for appointed counsel representation for appeals heard within the Virginia Court of Appeals, is estimated at \$1,900 per appeal.

Unsuccessful petitioners also would be permitted a further appeal to the Supreme Court. Petitioners also could use writs of habeas corpus to challenge circuit court decisions regarding sentence modification. As these petitioners already will have received an adverse ruling from the circuit court, it is assumed most will file their habeas petitions under the original jurisdiction of the Supreme Court rather than in the circuit court. OES reports that this may impact the workload of the Supreme Court, which will likely require additional clerk positions and additional staff attorney positions in the future. The impact to the Criminal Fund for appointed counsel representation during such Supreme Court of Virginia appeals, at an estimated \$1,300 per appeal.

Virginia State Police (VSP)

The Virginia State Police reports that although this bill is expected to temporarily increase the workload associated with recording modified sentences in criminal records histories, the agency can manually update the information and does not expect a fiscal impact. However, VSP's ability to absorb this cost will be dependent on the number of sentencing modifications granted by the courts.

Other Agencies

The Office of Attorney General reports that this bill is not expected to have a fiscal impact on agency operations.

The fiscal impact this bill may have on Commonwealth's Attorneys will depend on the number and complexity of the petitions received and is, therefore, not known at this time.

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

The fiscal impact this bill may have on local and regional jails is also not known at this time.

Other: None