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SENATE JOINT RESOLUTION NO. 26

Offered January 14, 2026

Prefiled January 13, 2026

Directing the Joint Legislative Audit and Review Commission to study the potential impacts of expanded discretionary parole eligibility. Report.

Patron—Marsden

Referred to Committee on Rules

WHEREAS, in 1995, the Commonwealth effectively eliminated discretionary parole for adults convicted of felonies with certain limited eligibility for conditional release for those incarcerated individuals who are considered geriatric or terminally-ill; and

WHEREAS, the Commonwealth now has three decades of data to utilize in analysis of fiscal impacts and public safety outcomes associated with the conditional release of individuals formerly incarcerated for felony convictions; and

WHEREAS, to ensure that public dollars and other resources are allocated properly and effectively when it comes to incarceration, the Commonwealth must evaluate past and present crime rates, prison populations, the number of prison facilities and staff required to operate such facilities, costs of incarceration, and recidivism rates for adult offenders; and

WHEREAS, the Commonwealth should consider modifications to current eligibility for discretionary parole using evidence-based and data-driven approaches that reduce costs and improve outcomes for offenders, their families, and the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Legislative Audit and Review Commission be directed to study the potential impacts of expanded discretionary parole eligibility.

In conducting its study, the Joint Legislative Audit and Review Commission shall consult with the Virginia Parole Board, Department of Corrections, Department of Criminal Justice Services, Virginia Criminal Sentencing Commission, Secretary of Public Safety and Homeland Security, and all other relevant stakeholders to (i) evaluate the prison population in the Commonwealth to determine the percentage of the population that currently meets the criteria to petition the Parole Board for conditional geriatric release; (ii) assess staffing and resource requirements necessary for the Parole Board if requirements to petition for geriatric conditional release are amended to permit other incarcerated individuals that do not currently meet the requirements to petition for such release; (iii) analyze current data to determine recidivism rates of incarcerated individuals who have been granted conditional geriatric release; (iv) conduct an analysis on the fiscal impact that limiting conditional release has on the Commonwealth, specifically concentrating on the continued costs of incarcerating individuals who have petitioned for but have not been granted conditional geriatric release as well as societal costs and impacts to families of individuals who remain incarcerated beyond the time they are first eligible to petition for conditional geriatric release; (v) estimate the potential cost savings to the Commonwealth if discretionary parole eligibility is expanded; (vi) research and evaluate successful discretionary parole policies and practices in other states, explore the application of such successful practices in the Commonwealth, and review risk assessments and other evaluation tools utilized by those states to identify best practices for risk management in discretionary parole; (vii) provide recommendations for a risk assessment tool framework to comprehensively assess the safety risks, likely rehabilitation outcome, and other relevant factors considered when determining whether to grant conditional release of an incarcerated individual; and (viii) identify possible methodologies or protocols for determining any future expansion of discretionary parole eligibility, and provide recommendations for legislative or executive action to implement such expansion.

All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by September 1, 2026, and the chairman shall submit to the Division of Legislative Automated Systems an interim summary of its findings and recommendations no later than March 1, 2027. The Joint Legislative Audit and Review Commission shall complete its meetings for the second year and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than December 1, 2027. Each summary shall state whether the Joint Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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