

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

PUBLISHED: 1/29/2026 1:09 PM

ORIGINAL

Bill Number: HB853

Patron: Cousins

Bill Title: Petition for modification of a sentence; eligibility; procedures; report.

Bill Summary: Provides procedures for individuals serving a sentence for certain felony convictions or a combination of such convictions who remain incarcerated in a state or local correctional facility or secure facility and meet certain criteria to petition the circuit court that entered the original judgment or order to (i) suspend the unserved portion of such sentence or run the unserved portion of such sentence concurrently with another sentence, (ii) place such person on probation for such time as the court shall determine, or (iii) otherwise modify the sentence imposed. Depending on the type of conviction, the bill allows the court to grant a hearing on such petition after an individual has served at least 25 years for certain offenses, after 20 years for certain other offenses, and after 15 years for any other felony conviction not specified. The bill directs the Department of Corrections to convene a work group of relevant stakeholders to (a) consider and recommend best practices for implementation of the bill and (b) evaluate and recommend updates to victim notification systems. The work group shall complete its meetings by November 1, 2026, and report its findings and recommendations to the General Assembly no later than December 1, 2026.

Budget Amendment Necessary: Indeterminate **Items Impacted:** N/A

Explanation: The Supreme Court of Virginia, Court of Appeals of Virginia, and Circuit Courts will require funding to cover the costs of additional resources and personnel necessary to implement the responsibilities of this legislation, but the fiscal impact is indeterminate.

Fiscal Summary: The fiscal impact on state agencies is indeterminate at this time.

Fiscal Analysis: The Supreme Court of Virginia indicates that this bill will increase the workload of circuit court judges, who would be tasked with hearing the petitions for modification and ruling accordingly. The added judicial workload is indeterminate but is expected to be significant. Any increased workload for circuit court judges would be reflected within any future judicial workload assessments; the results of which would provide the necessary additional resources/personnel. The bill would also allow an appeal of the circuit court's decision to the Court of Appeals. The number of appeals is difficult to predict and thus the fiscal impact is indeterminate. 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 defaulted or waived. The Court of Appeals may need up to five additional Deputy Clerk positions and six additional staff attorney positions in the future to adequately handle the additional workload. The Courts system may submit a budget request for the 2027 Amended Budget after the required workgroup report is submitted on November 1, 2026, and implications of the bill are better understood.

Unsuccessful petitioners 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

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

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. The Supreme Court may need one additional Deputy Clerk, one additional Orders and Admissions Clerk, and one additional Staff Attorney in the future to adequately address additional workload. However, the fiscal impact in regard to the Supreme Court is indeterminate. The Courts system may submit a budget request for the 2027 Amended Budget after the required workgroup report is submitted on November 1, 2026, and implications of the bill are better understood.

The fiscal impact on the Department of Corrections is unknown at this time, but an updated fiscal impact statement will be issued when this information is available.

Other: Related bill is SB634.