

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

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ORIGINAL

Bill Number: HB1413H1

Patron: Schmidt

Bill Title: Limitation on sentence upon revocation of suspension of sentence; technical violations.

Bill Summary: This substitute bill provides that when conducting a revocation hearing, the court shall consider at the same revocation hearing all alleged technical violations that occurred prior to such revocation hearing and have not been previously considered by the court. The bill also requires that when a defendant has been taken into custody for an alleged violation for which the court may impose not more than 14 days of active incarceration, the court shall adjudicate such violation within 14 days of the defendant being taken into custody. The bill states that if such violation is not adjudicated within 14 days of the defendant being taken into custody, the defendant shall be admitted to bail, unless (i) such defendant consents to being further detained while awaiting adjudication or sentencing or (ii) the Commonwealth has established, by clear and convincing evidence, that the defendant presents a significant risk of harm to himself or the community based on substance use disorder or serious mental illness and has been referred for residential treatment. Notwithstanding the foregoing, the bill provides that no such defendant shall be held in custody awaiting adjudication of or sentencing on such alleged technical violation for longer than 30 days. The bill also adds the following as technical violations: (a) failure to pay any fines or costs or complete community service, (b) failure to enter into or complete any court-ordered treatment, or (c) failure to comply with any condition of monitoring or appear in court. Lastly, the bill clarifies that the use, possession, or distribution of marijuana or related paraphernalia is a technical violation.

Budget Amendment Necessary: None

Items Impacted: N/A

Explanation: N/A

Fiscal Summary: According to the Office of the Executive Secretary (OES) of the Supreme Court of Virginia, there is no anticipated fiscal impact from the bill.

Fiscal Analysis: Any unanticipated costs that may arise from the bill are expected to be absorbable with existing resources.

Other: None.