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

PUBLISHED: 2/26/2026 3:49 PM **ORIGINAL**

Bill Number: HB857ER **Patron:** Cousins
Bill Title: Home/electronic incarceration program.

Bill Summary: The enrolled bill provides that any court having jurisdiction for the trial of a pregnant person or a postpartum person who still has contact with an infant child and is charged with certain offenses shall assign the offender to a home/electronic incarceration program unless there is probable cause to believe that (i) the offender will not appear for trial or hearing or at such other time and place as may be directed or (ii) the offender's liberty will constitute an unreasonable danger to such person, such person's family or household members, or the public. The substitute bill adds that the court may further authorize the offender's participation in work release employment or educational or other rehabilitative programs as defined in § 53.1-131 or, as appropriate, in a court-ordered intensive case monitoring program for child support. The court shall be notified in writing by the director or administrator of the program to which the offender is assigned of the offender's place of home/electronic incarceration and place of employment and the location of any educational or rehabilitative program in which the offender participates. A postpartum person may continue to be eligible for participation in the home/electronic incarceration program after the period of postpartum recovery, as that term is defined in § 53.1-133.06, has ended, so long as such person remains a suitable candidate for home/electronic incarceration. It also adds that a postpartum person may continue to be eligible for participation in the home/electronic incarceration program after the period of postpartum recovery, as that term is defined in § 53.1-133.06, has ended, so long as such person remains a suitable candidate for home/electronic incarceration.

Budget Amendment Necessary: No **Items Impacted:** None
Explanation: See below.

Fiscal Summary:

According to the Department of Corrections (DOC), there is no anticipated fiscal impact from this bill. The fiscal impact to the Supreme Court of Virginia is unknown at this time.

Fiscal Analysis:

According to DOC, there is no anticipated fiscal impact as a result of the bill. Any unanticipated costs that may arise from the bill are expected to be covered with existing resources.

Any impact on the Courts is unknown at this time. This fiscal impact statement may be updated if additional information is provided by the Office of the Executive Secretary (OES) of the Supreme Court of Virginia.

Other: None