

Racial and Ethnic Impact Statement

2026 General Assembly Session

Bill number: SB 283 (Introduced); Penalties for failure to appear; contempt

Review requested by: Chairman Surovell; Senate Committee for Courts of Justice

Date: January 27, 2026

JLARC Staff Assessment of Potential for Disproportionate Impact

SB 283 would define “willfully fails to appear” in court as intentional conduct to avoid the judicial process and would reduce the penalty for such a conviction to a misdemeanor punishable by no more than 30 days in jail.

The impacts of SB 283 would disproportionately affect Black persons because, relative to the proportion of Black persons in Virginia’s adult population, (1) a higher proportion of individuals found guilty of any failure to appear offense are Black; (2) a higher proportion of individuals found guilty of felony failure to appear are Black; and (3) a higher proportion of individuals found guilty of misdemeanor failure to appear who received a sentence of more than 30 days in jail are Black.

An explanation of the JLARC staff review is included on the pages that follow.

Bill summary

SB 283 would define the charge of “willfully fails to appear” before a court or judicial officer as intentional conduct with the purpose to avoid the judicial process (§ 19.2-128). The bill states that isolated instances of nonappearance alone are not evidence of willful failure to appear and includes mitigating circumstances the court shall consider to determine whether there has been willful failure to appear, including (1) illness, injury, or other unforeseen medical conditions; (2) unforeseen transportation problems; (3) an inability to obtain adequate dependent care; and (4) any affirmative steps taken by a person to communicate or remedy their failure to appear before a court or judicial officer.

SB 283 would also decrease the maximum charge for willful failure to appear in court to a misdemeanor punishable by no more than 30 days in jail, regardless of whether an individual is charged with or convicted of a felony or misdemeanor as their original offense. Under current law (§ 19.2-128), a person charged with or convicted of a felony who willfully fails to appear before court is guilty of a Class 6 felony, which is punishable by up to five years in prison or up to 12 months in jail. A person charged with or convicted of a misdemeanor who willfully fails to appear before a court is guilty of a Class 1 misdemeanor, which is punishable by up to 12 months in jail.

Impact on aggregate criminal justice outcomes

SB 283 would have three primary impacts on defendants by changing how failure to appear is prosecuted and penalized. Current law allows for failure to appear convictions without consideration of any extenuating circumstances that may prevent individuals from appearing in court. By defining “willfully fails to appear” as requiring intentional conduct to avoid the judicial process and requiring courts to consider certain mitigating factors, fewer individuals are likely to be found guilty of failure to appear. The bill would also eliminate failure to appear as a crime that can be charged as a felony and allow it to only be charged as a misdemeanor. Under current law, individuals originally charged with or convicted of a felony may be charged with felony failure to appear. SB 283 would also reduce the maximum sentence of failure to appear to 30 days in jail. This change would likely reduce the sentence lengths for individuals found guilty of failure to appear, as Class 6 felonies are punishable by up to five years in prison or up to 12 months in jail and Class 1 misdemeanor offenses are currently punishable by up to 12 months in jail.

Evidence of Differential Impacts on Racial or Ethnic Subgroups

To estimate whether there would be disproportionate racial impacts if SB 283 were enacted, JLARC staff compared the racial composition of Virginia's population to (1) the racial composition of all individuals found guilty of failure to appear; (2) the racial composition of individuals found guilty of felony failure to appear; and (3) the racial composition of individuals found guilty of misdemeanor failure to appear who were sentenced to more than 30 days in jail.

Black persons would be disproportionately affected by all three impacts of SB 283, in that they are more likely to be found guilty of willful failure to appear in general, more likely to be found guilty of felony failure to appear, and more likely to be found guilty of misdemeanor failure to appear with a sentence longer than 30 days.

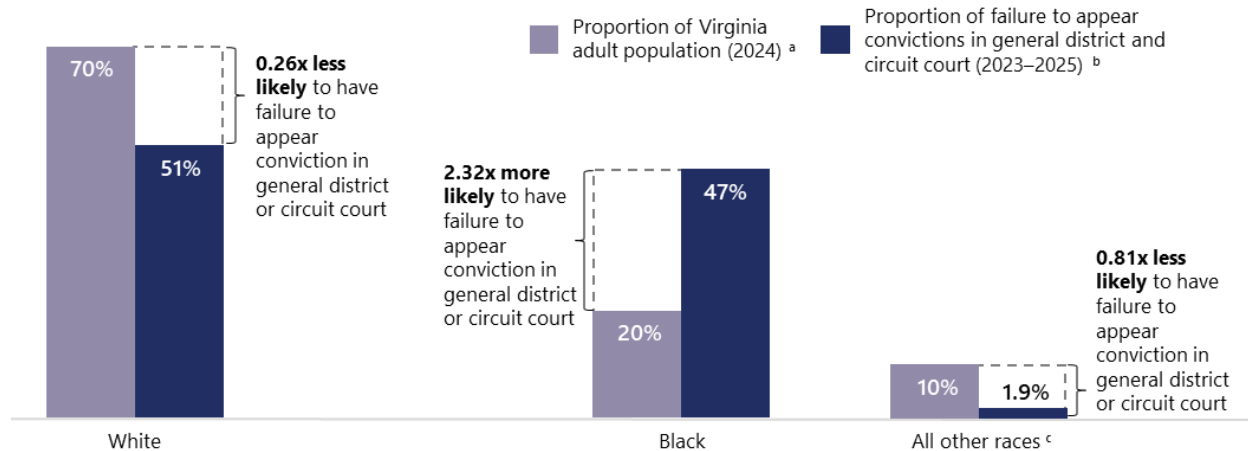
SB 283 would disproportionately impact Black persons because a higher proportion of individuals convicted of failure to appear are Black relative to the proportion of Black persons in Virginia's adult population

Including cases in both general district and circuit court, individuals found guilty of failure to appear are more likely to be Black relative to their proportion of Virginia's adult population. Individuals found guilty of failure to appear are 2.3 times more likely to be Black relative to the proportion of Black persons in Virginia's adult population. Black individuals accounted for 46.9 percent of all convictions for failure to appear (2023–2025), but only 20.2 percent of Virginia adults (Figure 1). White individuals are less likely to be found guilty of failure to appear relative to their proportion of Virginia's population, as 51.2 percent of individuals convicted from 2023–2025 were white, and 69.6 percent of Virginia adults are white.

These analyses suggest that Black individuals would be disproportionately affected by defining "willfully fails to appear" as requiring intentional conduct to avoid the judicial process and requiring the court to consider mitigating circumstances under SB 283.

FIGURE 1

Black individuals are 2.3 times more likely to be found guilty of failure to appear relative to Virginia's adult population



SOURCE: JLARC staff analysis of general district and circuit court data from the Office of the Executive Secretary of the Virginia Supreme Court and Fairfax Circuit Court.

NOTE: Includes both felony and misdemeanor failure to appear convictions. ^a Population data from Virginia 2024 Census estimates of adult population. ^b OES data includes cases with file dates between December 17, 2022 and December 17, 2025. Fairfax Circuit Court data includes cases with file dates between January 1, 2022 and December 31, 2024. ^c American Indian or Alaskan Native, Asian or Pacific Islander, Hispanic, and other/unknown race in general district and circuit court data.

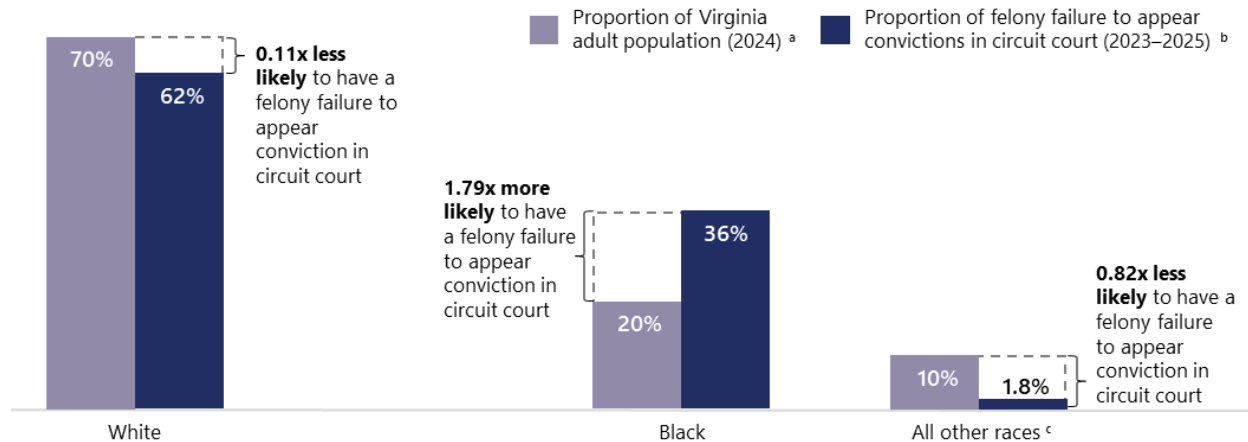
SB 283 would disproportionately impact Black persons because a higher proportion of individuals convicted of felony failure to appear are Black relative to the proportion of Black persons in Virginia's adult population

In circuit court, individuals found guilty of felony failure to appear are more likely to be Black relative to their proportion of Virginia's adult population. Individuals convicted of felony failure to appear are 1.8 times more likely to be Black relative to the proportion of Black persons in Virginia's adult population. Black individuals accounted for 36.2 percent of all convictions for felony failure to appear (2023–2025), but only 20.2 percent of Virginia adults (Figure 2). White individuals are less likely to be found guilty of felony failure to appear relative to their proportion of Virginia's population, as 62.0 percent of convicted individuals from 2023–2025 were white, and 69.6 percent of Virginia adults are white.

These analyses suggest that Black individuals would be disproportionately affected by decreasing the maximum charge of failure to appear to a misdemeanor offense.

FIGURE 2

Black individuals are 1.8 times more likely to be found guilty of felony failure to appear relative to Virginia's adult population



SOURCE: JLARC staff analysis of circuit court data from the Office of the Executive Secretary of the Virginia Supreme Court and Fairfax Circuit Court.

NOTE: ^a Population data from Virginia 2024 Census estimates of adult population. ^b OES data includes cases with file dates between December 17, 2022 and December 17, 2025. Fairfax Circuit Court data includes cases with file dates between January 1, 2022 and December 31, 2024. ^c American Indian or Alaskan Native, Asian or Pacific Islander, Hispanic, and other/unknown race in circuit court data.

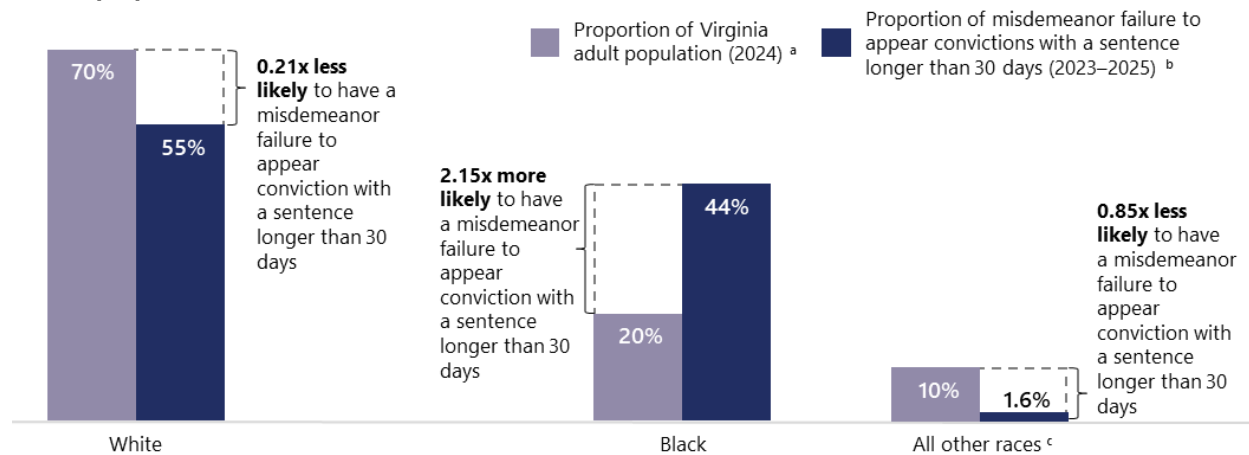
SB 283 would disproportionately impact Black persons because a higher proportion of individuals convicted of misdemeanor failure to appear with a sentence longer than 30 days are Black relative to the proportion of Black persons in Virginia's adult population

Individuals found guilty of misdemeanor failure to appear who received a sentence of more than 30 days in general district or circuit court are also more likely to be Black relative to their proportion of Virginia's adult population. Individuals convicted of misdemeanor failure to appear who are sentenced to more than 30 days in jail are 2.2 times more likely to be Black relative to the proportion of Black persons in Virginia's adult population. Black individuals accounted for 43.6 percent of all convictions for misdemeanor failure to appear with a sentence of more than 30 days in jail (2023–2025), but only 20.2 percent of Virginia adults (Figure 3). White individuals are less likely to be found guilty of misdemeanor failure to appear and receive a sentence of more than 30 days in jail relative to their proportion of Virginia's population, as 54.8 percent of convicted individuals from 2023–2025 were white, and 69.6 percent of Virginia adults are white.

These analyses suggest that Black individuals would be disproportionately affected by capping the maximum sentence for failure to appear at no more than 30 days in jail under SB 283.

FIGURE 3

Black individuals are 2.2 times more likely to be found guilty of misdemeanor failure to appear and receive a sentence of more than 30 days in jail relative to Virginia's adult population



SOURCE: JLARC staff analysis of general district and circuit court data from the Office of the Executive Secretary of the Virginia Supreme Court and Fairfax Circuit Court.

NOTE: ^a Population data from Virginia 2024 Census estimates of adult population. ^b OES data includes cases with file dates between December 17, 2022 and December 17, 2025. Fairfax Circuit Court data includes cases with file dates between January 1, 2022 and December 31, 2024. ^c American Indian or Alaskan Native, Asian or Pacific Islander, Hispanic, and other/unknown race in general district and circuit court data.

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