

Department of Planning and Budget 2004 Fiscal Impact Statement

1. Bill Number HB631

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron O'Bannon

3. Committee House Courts of Justice

4. Title Expungement of criminal records; unjust convictions.

5. Summary/Purpose:

Requires, in all cases where the expungement of a criminal record is based on an absolute pardon for the commission of a crime for which the petitioner had been unjustly convicted or a writ of actual innocence has been issued and the petitioner has been confined to a state or local correctional facility for at least six months, that the circuit court also attach an order entitling the petitioner to (i) waiver of tuition and other mandatory fees for any public institution of higher education in the Commonwealth, (ii) lifetime authorization to enter Virginia's state parks for up to seven days per year without having to pay an admittance or parking fee, (iii) assessment and guidance services including, but not limited to, aptitude testing, mental health assessment, substance abuse counseling and job placement service, to be provided by the appropriate state agency at no cost, (iv) lifetime membership to the Virginia Museum of Fine Arts, and (v) a transition assistance grant of \$15,000, in all cases.

6. Fiscal Impact Estimates Are: Final. See Line 8

7. Budget amendment necessary: Yes. Item Not Known

8. Fiscal implications:

Predicting the fiscal impact of this legislation cannot be assessed with any reliability. For example, in any given year one cannot forecast how many persons will qualify for benefits, the statute of limitations of benefits, or the extent to which persons entitled to the benefits provided by the bill would actually use them.

One approach to measuring the fiscal impact of the bill is to project the potential worth of the entire benefits package. The following table sets out an estimate of the proposed benefits:

Benefit	Estimated Value	Comments
Transition assistance grant	\$15,000	Stipulated in the bill
Tuition and other mandatory fees	\$17,452	Four years at the public university with the highest tuition and fees. Because the bill sets no limits, the value could be higher if the person qualified to pursue post-graduate education, such as law or medical school.
Seven days free per year at Virginia's state parks	\$840	Based on usage for 30 years at the park currently with the highest weekend admission and parking fees (\$4 per day)
Assessment and guidance services from state agencies	\$3934	Estimate of value of mental health assessment and counseling provided by community services boards. Aptitude and job placement services are provided free to the general public by the Virginia Employment Commission and therefore are not included in this figure.
Lifetime membership in the Virginia Museum of Fine Arts	\$1200	Based on 30 years of membership at \$40 per year. The museum does not have a lifetime membership category. Persons can become members on an annual basis.

The expenditure mostly likely to result in increased general fund spending would be the transition assistance grant. The public college or university the awardee attends would experience a loss in tuition revenue. Although the other relevant state agencies would provide services that comprise the rest of the benefit package, providing those benefits would not require the actual expenditure of additional funds.

Between October 1, 2001 and September 30, 2003, sixteen persons were pardoned by the Governor. However, only absolute pardons entitle persons to seek expungement through the Virginia Circuit Court system and represent a small fraction of total pardons. (Absolute pardons are those generally justified by DNA evidence.) There is no credible method of determining how many people will be granted absolute pardons or be granted a writ of actual innocence in any one year.

9. Specific agency or political subdivisions affected: Public colleges and universities, state parks, community services boards, Virginia Museum of Fine Arts

10. Technical amendment necessary: None

11. Other comments: The bill does not specify which agency would be responsible for paying the transition assistance grant.

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cc: Secretary of Education
Secretary of Natural Resources
Secretary of Health and Human Resources