

## Department of Planning and Budget 2004 Fiscal Impact Statement

**1. Bill Number** SB333

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

**2. Patron** Stolle

**3. Committee** Courts of Justice

**4. Title** Issuance of writ of actual innocence for nonbiological evidence.

**5. Summary/Purpose:** This bill establishes a procedure for a convicted felon to petition the Court of Appeals for a writ of actual innocence based on nonbiological evidence that was previously unknown or unavailable. The Court of Appeals may summarily dismiss the petition but it may order the circuit court to conduct a hearing to certify findings of fact on certain issues. After considering the petition and the Commonwealth's response, the previous records of the case and the record of any hearing, the Court may dismiss the case or grant relief. There may also be an appeal from the Court of Appeals to the Supreme Court. This bill applies whether the petitioner plead guilty or not guilty.

**6. Fiscal Impact Estimates are:** Final. See item 8.

**7. Budget amendment necessary:** No

**8. Fiscal implications:** There will be an expenditure impact associated with this legislation. However, because the number of additional hearings resulting from this bill is unknown it is impossible to accurately determine the extent of the impact.

**9. Specific agency or political subdivisions affected:** Court System

**10. Technical amendment necessary:** No

**11. Other comments:** The bill establishes a process similar to the one that already exists in the Code for previously unknown or untested biological evidence.

**Date:** 04/05/04 / tmb

**Document:** f:\tmb\leg04\sb333.doc