Department of Planning and Budget
2006 Fiscal Impact Statement

1. **Bill Number** HB847

    House of Origin   ☒ Introduced   ☐ Substitute   ☐ Engrossed

    Second House   ☐ In Committee ☐ Substitute   ☐ Enrolled

2. **Patron**   Albo

3. **Committee**   Courts of Justice

4. **Title**   Gang information; juvenile records.

5. **Summary/Purpose:** This legislation proposes to amend and reenact §§ 2.2-2618, 16.1-300, 53.1-10, and 66-3.2 of the Code of Virginia to require the Departments of Corrections and Juvenile Justice to collect information on individuals identified as gang members and transmit it to the Commonwealth's Attorneys' Services Council. The Council will disseminate the information to attorneys for the Commonwealth. An attorney for the Commonwealth may request an affidavit signed by the custodian of the records that a person on the list has been identified as a member of a criminal gang and the affidavit can be admitted into evidence in any court proceeding as prima facie evidence of the individual's gang membership. The bill also specifies that law-enforcement agencies, school administrations and probation offices are included as entities that may examine certain juvenile records held by the Department of Juvenile Justice if there is a court order determining that they have a legitimate interest. The bill also says that the court order may be granted if the person, agency, or institution has a legitimate interest in the juvenile. Under current law the interest is limited to the case or in the work of the court.

6. **No Fiscal Impact.**

7. **Budget amendment necessary**: No.

8. **Fiscal implications:**   Both the Department of Juvenile Justice and the Department of Corrections advise that this legislation will have no impact on the agencies.

9. **Specific agency or political subdivisions affected:** Departments of Corrections and Juvenile Justice and Attorneys for the Commonwealth.

10. **Technical amendment necessary:** None.

11. **Other comments:** None.

Date: 02/3/06 / MEM

Document: G:\Fis\06\Djj\Hb847.Doc   Michael McMahon
cc: Secretary of Public Safety