

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: SB173ER

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Blevins

3. Committee: Passed Both Houses

4. Title: **Domestic violence; retention of records.**

5. Summary: Provides that records in cases involving misdemeanor convictions for (i) assault and battery against a family or household member, or (ii) violating a protective order shall be retained for 20 years. A third conviction for these crimes within 20 years is a felony, however, currently, such records are only required to be retained for 10 years.

6. Fiscal Impact Estimates: Indeterminate (see Item 8)

7. Budget Amendment Necessary: No

8. Fiscal Implications: According to the Supreme Court of Virginia, for the most recent 18 month period (July 1, 2006 to December 31, 2007), there were 66,444 domestic violence cases (§16.1-253.2, §18.2-57.2), or on average 44,300 cases per year. Retention of the record of these cases would require additional resources for storage. However, this will be a local cost and is likely to vary significantly from locality to locality, depending upon caseload. There would also be a fiscal impact to the court system budget due to the additional costs incurred for the time it would take a clerk to identify and cull those files that would have to be retained for the additional time. However, the courts believe that those costs can be absorbed with current court resources.

9. Specific Agency or Political Subdivisions Affected: Courts, localities

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: 4/1/2008 dpb

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