

Department of Planning and Budget 2009 Fiscal Impact Statement

1. Bill Number: SB1391

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

2. Patron: Stolle

3. Committee: Courts of Justice

4. Title: **Criminal convictions; DNA Notification.**

5. Summary: This bill permits the dissemination of Virginia criminal history information to certain individuals who volunteer in the identification, location, and notification of individuals convicted of crimes prior to the advent of DNA testing and the case files of which have since been found to contain evidence suitable for DNA testing. The bill also specifies other aspects of the notification process and has an emergency clause.

6. Fiscal impact estimates: Preliminary. See Item #8.

7. Budget amendment necessary: No.

8. Fiscal implications: This bill gives authority for the use of pro-bono attorneys and others to assist in the identification, location, and notification process of individuals convicted of crimes between 1973 and 1988, prior to the advent of DNA testing. Since these attorneys are serving in a pro-bono (voluntary) capacity, there should be no or very little fiscal impact to the Department of Forensic Science (DFS). If there should be expenses related to the identification, location, and notification efforts, DFS would report them under the federal Post-Conviction Grant and seek reimbursement through this funding mechanism.

The bill also requires the Office of the Attorney General to develop a waiver form and confidentiality agreement for pro bono attorneys and others who will assist in the notification of individuals where cases have old DNA evidence for testing. The forms are directed to be ready within 30 days of enactment. The Office of the Attorney General does not anticipate a fiscal impact with regard to the form and agreement.

The Virginia State Bar is required by the bill to approve the training provided to these individuals on "the process, manner, and conduct of the notifications." The training must be provided within 120 days of enactment. Based on the information regarding training in the bill, the State Bar does not anticipate a significant fiscal impact.

9. Specific agency or political subdivisions affected: Department of Forensic Science, Virginia State Bar, Office of the Attorney General.

10. Technical amendment necessary: An amendment may be considered to also substitute "approved by" for "provided through" in line 73, in reference to the Virginia State Bar.

11. Other comments: None.

Date: 2/18/09/jlv

Document: G:\08-10\09 FIS\SB1391E.Doc Janet Vogelgesang

cc: Secretary of Public Safety