

Department of Planning and Budget 2010 Fiscal Impact Statement

1. Bill Number: HB203H1

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

2. Patron: Alexander, K.

3. Committee: House Committee for Courts of Justice

4. Title: **Writ of Actual Innocence**

5. Summary: Emphasizes that the Supreme Court and the Court of Appeals have the authority to issue writs of actual innocence for persons who are not currently incarcerated because they have been released on parole or probation, granted a pardon, or otherwise released. The bill also provides that the statutory guidelines employed by the General Assembly for determining compensation of persons who have been wrongfully incarcerated also apply to a person granted a writ of actual innocence based on non-biological evidence and a person who has been granted an absolute pardon for the commission of a crime that he did not commit.

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

7. Budget Amendment Necessary: No

8. Fiscal Implications: Code of Virginia, § 8.01-195.11, states any person who is convicted of a felony by a county or city circuit court of the Commonwealth and is wrongfully incarcerated for such felony may be awarded compensation in an amount equal to 90 percent of the Virginia per capita personal income as reported by the Bureau of Economic Analysis of the United States Department of Commerce for each year, or portion thereof, of incarceration up to 20 years.

This legislation would include persons granted a writ of actual innocence based on non-biological evidence and a person who has been granted an absolute pardon for the commission of a crime that he did not commit to the list of persons eligible for wrongful incarceration compensation. The number of persons impacted by this legislation is indeterminate.

The most recent annual per capita personal income figure for Virginia is \$44,224. Ninety percent of that figure is \$39,802.

According to the Supreme Court of Virginia (SCV), this legislation will likely add petitions to the Supreme Court and the Court of Appeals for petitions of actual innocence; however, it is anticipated the additional petitions can be accommodated with current resources.

9. Specific Agency or Political Subdivisions Affected: Courts

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: 2/2/2010

Document: G:\2010 FIS\HB203H1.Doc Reginald Thompson

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