

Department of Planning and Budget 2012 Fiscal Impact Statement

1. Bill Number: HB223

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

2. Patron: Habeeb**3. Committee:** House Committee for Courts of Justice**4. Title:** Writ of actual innocence for juveniles adjudicated delinquent.**5. Summary:**

This impact statement has been revised to include the estimated impact on the Office of the Attorney General.

HB 223 provides that a juvenile adjudicated delinquent of an offense that would be a felony if committed by an adult may petition the Supreme Court to issue a writ of actual innocence on the basis of biological or non-biological evidence regardless of his plea or the classification of the felony for which he was adjudicated delinquent. Currently such petitions are limited to those convicted, (i) in the case of biological evidence, of a Class 1 or Class 2 felony or equivalent felony upon any plea or of any other felony upon a plea of not guilty, or (ii) in the case of non-biological evidence, of any felony upon a plea of not guilty.

6. Budget Amendment Necessary: Yes, Item 59 of HB 30, the Governor's recommended budget.**7. Fiscal Impact Estimates:** Preliminary (see Item 8)**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2012	0	0	
2013	\$253,304	2.25	General Fund
2014	\$253,304	2.25	General Fund
2015	\$253,304	2.25	General Fund
2016	\$253,304	2.25	General Fund
2017	\$253,304	2.25	General Fund
2018	\$253,304	2.25	General Fund

8. Fiscal Implications: Processing the filed petitions generates the workload in both the courts and the Office of the Attorney General. The courts report that it is expected that any increase would be limited and could be accommodated with current resources of the court system.

The Office of the Attorney General estimates there will be 20 or so petitions filed each year that will require over 2200 hours of legal work. DPB estimates this equates to 1.25 full-time equivalent positions for 1.25 attorneys. In addition, the OAG reports it will need the services of one full time investigator. If the courts order evidentiary hearings, there would be added travel and litigation costs. The OAG expects a greater number of evidentiary hearings because unlike circuit court proceedings for adults, there is really no record.

The Department of State Police is not required to provide investigative services so it is assumed the OAG would need to provide that service. The Department of State Police has not provided input on the bill at this time.

As a result of the workload the OAG estimates it needs 2.25 positions and \$253,304 each year; of which \$223,304 is for salaries and benefits, and \$30,000 for necessary support costs.

9. Specific Agency or Political Subdivisions Affected: Courts, Office of the Attorney General and possibly the Department of State Police

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: January 30, 2012

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