

Department of Planning and Budget 2013 Fiscal Impact Statement

1. Bill Number: SB 1132

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

2. Patron: McEachin

3. Committee: Passed both houses

4. Title: Relief of Bennett Barbour's estate

5. Summary:

The legislation provides for an appropriation to Bennett Barbour's estate as compensation for his time spent in prison as the result of a wrongful conviction. Mr. Barbour was convicted of rape in 1978. Subsequent to his release from prison, DNA analysis of evidence from the rape failed to identify Mr. Barbour's DNA and instead implicated another person. The Virginia Supreme Court granted Mr. Barbour a writ of actual innocence in 2012.

6. Budget Amendment Necessary: No. The budget bill passed by the General Assembly includes an appropriation for this legislation. (Item 276)

7. Fiscal Impact Estimates: Final. See Item 8 below.

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2013		
2014	\$162,527	General
2015		
2016		
2017		
2018		

8. Fiscal Implications:

The Code of Virginia sets out a process for compensating persons who were wrongfully convicted. The process includes for the payment of a portion of the award in a lump sum with the remainder being invested and paid out over 25 years. The statutes also prohibit the estate of any decedent from being eligible for a claim. However, because Mr. Barbour was alive at the time the proposed legislation was introduced into the General Assembly, but died

soon thereafter, the legislation provides for an exception in this case and directs that the relief awarded be paid in a lump sum to the estate of Mr. Barbour, upon execution of a release by his estate of any present or future claims against the Commonwealth.

9. Specific Agency or Political Subdivisions Affected: Department of the Treasury.

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/25/2013

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