

REVISED

Department of Planning and Budget 2018 Fiscal Impact Statement

1. Bill Number: SB 334

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

2. Patron: Peake

3. Committee: Senate Finance

4. Title: Expungement of criminal history records

5. Summary:

The proposed legislation would expand the authorization for certain persons to petition the court for expungement of police records and court records relating to his/her charge to include persons charged of underage consumption or possession of alcohol or use of a false identification to try to purchase alcohol, under the following conditions:

1. All court costs and fines and orders of restitution have been satisfied;
2. The person seeking the expungement is at least 21 years old; and
3. The person seeking the expungement has no other alcohol-related convictions.

Currently, the only persons authorized to petition for expungement are those who have been acquitted or a *nolle prosequi* was taken and anyone whose name or other identification was used without his/her consent by another person who was charged and arrested using such name or identification.

6. Budget Amendment Necessary: Indeterminate.

7. Fiscal Impact Estimates: Preliminary. See Item 8.

8. Fiscal Implications:

The process set up in law for police and court records to be expunged involves the circuit court of the jurisdiction in which the case was disposed, the attorney for the Commonwealth, and the State Police, culminating in a hearing by the circuit court. According to data provided by the Virginia's State Police, there were 2,740 cases persons who were convicted of these underage alcohol offenses five or more years ago. However, information on the payment of court costs, fines, and restitution is not readily available. Therefore, although a significant percentage of this group may petition for expungement of their records, it is not possible to develop a reliable estimate.

The State Police current have eight employees that annually process approximately 4,000 expungement petitions, for an average of 500 per employee. To process the additional petitions, in a timely fashion, that could be expected, the agency may need additional staff. The total annual cost of a program support technician in the unit is \$69,575.

9. Specific Agency or Political Subdivisions Affected:

Circuit courts
Attorneys for the Commonwealth
Virginia State Police.

10. Technical Amendment Necessary: None.

11. Other Comments: None.