

## Department of Planning and Budget 2019 Fiscal Impact Statement

**1. Bill Number:** SB1037

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

**2. Patron:**      Peake

**3. Committee:** Courts of Justice

**4. Title:**          Underage alcoholic possession, etc.; expungement of certain offenses.

**5. Summary:** Allows a person to petition for expungement of a deferred disposition dismissal for underage alcohol possession or using a false ID to obtain alcohol under the following conditions:

1. when the offense occurred prior to the person's twenty-first birthday;
2. all court costs, fines, and restitution have been paid;
3. the person seeking the expungement is at least 21 years of age; and
4. the person seeking the expungement has no other alcohol-related convictions.

Under current law, only those who have been acquitted or who have taken a *nolle prosequi* are eligible to request expungement of police and court records relating to such a charge.

**6. Budget Amendment Necessary:** Yes. Item 419.

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

**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 Virginia State Police (VSP), culminating in a hearing by the circuit court. According to data provided by VSP, there are 2,740 deferred dismissed underage alcohol possession cases that would be eligible for expungement under the provisions of this bill. However, it is difficult to reliably estimate the number of expungements that may be sought because i) not all who are eligible are expected to petition for expungement and ii) information on the payment of court costs, fines, and restitution and on the existence of other alcohol-related charges is not readily available.

However, based on average data for the past five years, VSP expects that an additional 443 such cases may be processed each year under the proposed provisions. Currently, VSP has eight employees who processed approximately 4,100 expungement petitions in fiscal year 2018, which is already above the expected workload of 500 expungement petitions processed per employee, per year. Based on processing the estimated 443 additional expungement cases per year that may result from this bill, VPS estimates that it would require one additional program support technician at a cost of \$69,567 per year (salary plus benefits) to address the increased workload.

**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