

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: SB640ES1

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Engrossed
Second House	<input checked="" type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Surovell

3. Committee: House Appropriations

4. Title: Unlawful detainer; expungement

5. Summary: The proposed bill creates a process by which unlawful detainer actions filed in a general district court that have been dismissed or nonsuited may be expunged upon request of the defendant.

6. Budget Amendment Necessary: Yes, Item 42

7. Fiscal Impact Estimates: Preliminary (see Item #8)

8. Fiscal Implications: According to the Office of the Executive Secretary of the Supreme Court (“OES”), the proposed bill would require enhancements to the General District Court Case Management System to allow for information from expunged cases to be abstracted and retained for inclusion in statistical reports required by the General Assembly. Due to current system limitations, once a record is purged OES is unable to determine that a case was ever filed within the electronic system. OES expunges a relatively low number of cases each year; however, with the expected increase from the proposed bill, a method of accurately retaining the abstracted information is necessary to ensure the accuracy of case-data-based statistical reports.

According to OES, abstracted information for expunged civil and criminal cases would be retained within an “expungement data vault.” This would allow OES to ensure no identifying information for any defendant, such as name, date of birth or social security number, would be included with the abstracted information. In addition, ongoing statistical reports would need to be modified to include the abstract case data that is retained within the expungement data vault.

To create the expungement data vault, the electronic data warehouse would need to be updated to allow for personally identifiable information and case numbers to be removed from expunged cases. In addition, various developmental enhancements would need to be made to the three existing electronic case management systems maintained by OES including: modifying the “case delete” function and adding an “expungement delete” option within seven divisions, updating the expungement batch jobs for two divisions, and creating new batch reports for two divisions.

The one-time total estimated cost for development, quality assurance analysis, and training of court personnel related to the system enhancements is \$299,403.

The bill would also increase the workload on general district court clerks who would be tasked with locating the physical case file for each expunged unlawful detainer case, destroying its contents, and performing an “expungement delete” of the electronic record for each case in the case management system. OES indicates an average of 69,967 unlawful detainers cases are dismissed or have a non-suit taken action each year. OES projects that if half of these unlawful detainers were expunged in accordance with the bill’s provisions, 4.7 additional clerk positions would be needed at a cost of \$62,134 per position (including benefits).

The bill has an effective date of January 1, 2022.

9. Specific Agency or Political Subdivisions Affected: Courts

10. Technical Amendment Necessary: No

11. Other Comments: None