Department of Planning and Budget
2020 Fiscal Impact Statement

1. **Bill Number:** SB947

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

2. **Patron:** Saslaw

3. **Committee:** Judiciary

4. **Title:** Expungement of police and court records; acquittals.

5. **Summary:** Provides that a court that enters a judgment acquitting a person of a criminal charge must also enter an order requiring expungement of the police and court records relating to the charge. Such order shall contain a statement that the dismissal and expungement are ordered pursuant to this section and shall be accompanied by the complete set of the petitioner's fingerprints filed with the expungement petition. Under current law, individuals may file separate petitions requesting expungement of their case's police and court records.

6. **Budget Amendment Necessary**: Yes. Items 39 and 425.

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

8. **Fiscal Implications:** The proposed legislation would require that an expungement order must be entered for all criminal cases in which a defendant has been acquitted of criminal charges. This applies to cases in general district court, juvenile and domestic relations district court, and circuit court.

   If the provisions of this bill were to be enacted, the Office of the Executive Secretary (OES) would need to perform enhancements to the three electronic case management systems it maintains to allow for information from expunged cases to be abstracted and retained for inclusion in statistical reports the Courts provide to the General Assembly concerning proper clerk staffing levels and judicial workload. Currently, the number of expungements completed each year is significantly smaller than the pool of cases that are eligible for expungement, and the exclusion of expunged cases does not have a significant impact on court workload reports. The OES would store information for expunged cases in a secure network vault that would not be tied to the personal information of any defendant, but from which basic information about caseloads could be extracted for reporting purposes. The OES estimates a one-time cost to develop, provide quality assurance analysis, and to provide training for court personnel related to system enhancements to be $299,403.

   OES also estimates the provisions of this bill would increase the workload significantly for court clerks, at approximately ten additional minutes of work per expungement. It is indeterminate at this time how many additional clerk positions the courts would need to

respond to the provisions of this bill because it is unknown how many cases would require expungement.

The Department of State Police (VSP) is responsible for expunging police records for individuals who have petitioned the court for expungement. According to VSP, 44,282 cases in the Central Criminal Records Exchange (CCRE) database would have been eligible for expungement under the proposed legislation in calendar year 2018. Employees in this section are currently able to process approximately 500 expungement cases per year per employee. Under current law, individuals may file separate petitions requesting expungement of their case's police and court records. The provision of the proposed legislation would require a court, that enters a judgment acquitting a person of a criminal charge to also enter an order requiring expungement of the police and court records relating to the charge. Because expungement would be automatic under this bill, VSP estimates it could need up to 89 employees to process the expungement workload that would be required of this bill. VSP estimates the cost of these additional employees to be $8,202,722 the first year and $7,676,834 the second year, which includes salary and benefits, office space costs, one-time office furniture costs, and ongoing information technology expenses.

9. **Specific Agency or Political Subdivisions Affected:** Department of State Police and Courts, the Office of the Executive Secretary.

10. **Technical Amendment Necessary:** No.

11. **Other Comments:** None.