

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: HB423

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

2. Patron: Herring

3. Committee: House Committee for Courts of Justice

4. Title: Writ of actual innocence for previously unknown or unavailable nonbiological evidence

5. Summary: The proposed bill changes the requirement that a petitioner allege in a writ of actual innocence based on nonbiological evidence previously unknown or unavailable that such previously unknown or unavailable evidence is such as could not, by the exercise of diligence, have been discovered or obtained before the expiration of 21 days following entry of the final order of conviction or adjudication of delinquency by the circuit court to instead require that the petitioner allege such evidence was not discovered or obtained prior to such expiration of 21 days.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: According to the Office of the Executive Secretary of the Supreme Court (OES), after consulting with the Court of Appeals, the Courts believe the proposed bill could have a material fiscal impact but they have no way to quantify it. Therefore, the fiscal impact of this bill is indeterminate.

The Office of the Attorney General is assessing the legislation for fiscal impact purposes. Once relevant information is available, the fiscal impact statement will be revised.

9. Specific Agency or Political Subdivisions Affected: Courts

10. Technical Amendment Necessary: No

11. Other Comments: None