

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: SB1504S1

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Petersen

3. Committee: Judiciary

4. Title: Sex Offender and Crimes Against Minors Registry; removal of name and identifying information.

5. Summary: Provides that any person required to register on the Sex Offender and Crimes Against Minors Registry may either petition the circuit court where the conviction occurred or submit a formal removal request to the Department of State Police (VSP) on such form required by VSP if such person is required to register for a single Tier I or Tier II misdemeanor offense, for the removal of his name and all identifying information from the Registry. Under current law, offenders may only petition the circuit court for removal.

A person who is required to register for a single Tier I offense may petition the court or submit a removal request form along with a criminal history record check processed within the previous 45 days of the form submission to VSP, provided that the person is required to register for a single Tier I misdemeanor offense, no earlier than 15 years and one day from the date of initial registration or the date of his last conviction for a single violation of § 18.2-472.1 (providing false information to the Registry or failing to provide registration information). If the potential applicant has been convicted of a misdemeanor or felony offense, or more than one violation of § 18.2-472.1 within the previous 15 years and one day, then such person shall not submit a removal request form but may petition the court for removal from the Registry.

A person who is required to register for a single Tier II offense may petition the court or submit a removal request form along with a criminal history record check processed within the previous 45 days of the form submission to VSP, provided that such person is required to register for a single Tier II misdemeanor offense, no earlier than 25 years and one day from the date of initial registration or the date of their last conviction for a single violation of § 18.2-472.1. If the potential applicant has been convicted of a misdemeanor or felony offense, or more than one violation of § 18.2-472.1 within the previous 25 years and one day, then they shall not submit a removal request form but may petition the court for removal from the Registry.

The bill requires VSP to remove from the Registry the name of any person and all identifying information within 30 days of receipt of the removal request form upon determining that such person has met the requirements pursuant to this section.

VSP must develop this form and make it available on its website on or before October 1, 2023. The form must also include information on how to obtain a criminal history record check, the link to the record check form, the cost of the record check, and the address to which the removal request form must be submitted. VSP shall send a letter by first-class mail notifying every person currently on the Registry of the provisions of the proposed legislation on or before October 1, 2023.

- 6. Budget Amendment Necessary:** Indeterminate.
- 7. Fiscal Impact Estimates:** Preliminary. See Item 8 below.
- 8. Fiscal Implications:** According to the Department of State Police (VSP), the agency currently has three employees who remove names from the Sex Offender and Crimes Against Minors Registry once a removal order is received from the Court. These positions removed 29 individuals from the Registry in 2022. The removal process includes a review of the record to verify compliance (including researching incarceration time, noting any failure to register or other felony convictions, checking for any other offense that requires registration, and researching the petitioner's compliance with registration requirements in both the Commonwealth and in other states), documenting and archiving source documents and current registration, removal from the Registry, and removal from the National Crime Information Center (NCIC) database. Once the removal is complete, a removal confirmation letter is sent to the petitioner. According to VSP, there are 903 offenders with either a Tier I or Tier II offense in the Registry currently that may qualify for removal under the proposed legislation, although VSP does not currently have a method of determining the number of offenders with misdemeanor offenses only. According to VSP, about 40 offenders are added to the Registry every month.

VSP estimates that it can absorb the requirement to develop a form and notify offenders of the new process within its current resources. An additional analyst position (\$101,471 annually, including salary, benefits, and IT hardware costs) may be needed to process any additional requests for removal from the Registry generated by the proposed legislation. However, the exact impact on VSP cannot be determined at this time because it is unknown how many of the 903 offenders are eligible for and will request removal of their information from the Registry.
- 9. Specific Agency or Political Subdivisions Affected:** Department of State Police.
- 10. Technical Amendment Necessary:** No.
- 11. Other Comments:** None.