

## Department of Planning and Budget 2007 Fiscal Impact Statement

**1. Bill Number** HB 2778

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

**2. Patron** Morgan

**3. Committee** House Committee for Courts of Justice

**4. Title** Expungement of marijuana charges.

**5. Summary/Purpose:** Expungement of marijuana charges. Provides that anyone who has had a charge of possession of marijuana discharged and dismissed in accordance with the provisions of § 18.2-251, more than 10 years prior to his petition for expungement, may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge. The bill adds that the Department of Criminal Justice Services shall maintain a record of an expungement of a dismissal under § 18.2-251 for the purpose of a second prosecution under § 18.2-250 or 18.2-250.1.

**6. Fiscal Impact Estimates are:** Unknown

**6a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2006-07	\$0	0	GF
2007-08	\$68,857	1	GF
2008-09	\$68,325	1	GF
2009-10	\$71,058	1	GF
2010-11	\$73,900	1	GF
2011-12	\$76,856	1	GF
2012-13	\$79,931	1	GF

**7. Budget amendment necessary:** Yes, Item 394

**8. Fiscal implications:** According to the Department of Criminal Justice Services, the expungement of police and court records is no longer under their purview. The Department of State Police administers this function. If this was a DCJS function, the agency anticipates the fiscal impact to be 1 FTE (Administrative Office Specialist III with projected salary and benefits of \$49,206), startup costs (\$2,500), and overhead (\$17,151) for a total cost of \$68,857 the first year and \$68,325 the second year. Salary and benefits would be adjusted to include a 4% increase and exclude one-time costs of \$2,500 in the second and subsequent years.

**9. Specific agency or political subdivisions affected:** The Department of State Police, Departments of Mental Health, Mental Retardation and Substance Abuse Services, Department of Corrections, and Commission on VASAP.

**10. Technical amendment necessary:** No.

**11. Other comments:** It should be considered to amend the bill to give the Department of State Police administrative oversight for this function.

**Date:** 01/16/07 /RMT

**Document:** G:\FIS 2007\HB2778.Doc Reginald Thompson

cc: Secretary of Public Safety

Secretary of Health and Human Resources