

## Department of Planning and Budget 2008 Fiscal Impact Statement

**1. Bill Number:** SB88

House of Origin      X      Introduced                  Substitute                  Engrossed  
Second House                 In Committee              Substitute                  Enrolled

**2. Patron:** Lucas

**3. Committee:** Senate Courts of Justice

**4. Title:** Marijuana; expungement of charges.

- 5. Summary:** 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:** Preliminary (see Item 8)

**6a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2009	\$113,591	1	GF
2010	\$89,291	1	GF
2011	\$89,291	1	GF
2012	\$89,291	1	GF
2013	\$89,291	1	GF
2014	\$89,291	1	GF

**7. Budget Amendment Necessary:** Yes, Item 391

- 8. Fiscal Implications:** According to the Department of Criminal Justice Services (DCJS), the responsibility for expungement of criminal records was transferred to the Virginia State Police (VSP) several years ago. To meet the requirements of this bill, DCJS would need to add a position and an electronic system for tracking persons who have their records expunged.

The position would cost \$88,591 annually and the development of a system to track the expungements would cost approximately \$25,000 to develop and \$2,500 annually to maintain it.

**9. Specific Agency or Political Subdivisions Affected:** DCJS

**10. Technical Amendment Necessary:** No

**11. Other Comments:** Same as HB315

**Date:** 1/30/2008 dpb

**Document:** G:\FIS 2008\SB88.Doc Reginald Thompson