

Department of Planning and Budget 2009 Fiscal Impact Statement

1. Bill Number: HB1813

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

2. Patron: Morrissey

3. Committee: House Committee for Courts of Justice

4. Title: Criminal conviction; expungement of record upon showing opportunities for employment are prejudiced.

5. Summary: Allows a person convicted of a criminal offense to have his conviction expunged after eight years has expired following the conviction, upon a showing that his opportunities for employment, education, or professional licensure are prejudiced by the existence of the criminal record. Expungement would not be available for someone convicted of a violent felony, a DUI-related offense, an offense for which registration on the sex offender registry is required, or domestic violence.

6. Fiscal Impact Estimates: Indeterminate (see Item 8)

7. Budget Amendment Necessary: No

8. Fiscal Implications: The proposed legislation provides for the expungement of certain criminal conviction records after eight years and requires the Department of Criminal Justice Services (DCJS) to maintain a list of all expunged records. Currently, DCJS does not handle expungements; therefore, the agency would have to make systems modifications and dedicate staff to implement the requirements of this bill which would result in a fiscal impact. The fiscal impact of this proposed legislation is indeterminate.

All expungements are handled by the Virginia State Police (VSP) and insomuch they would most likely be in a better position to carryout the requirements of this legislation.

9. Specific Agency or Political Subdivisions Affected: DCJS, VSP

10. Technical Amendment Necessary: No

11. Other Comments: According to VSP, this bill would allow persons who have been convicted of criminal offenses to be employed in trusted positions and/or have access to any vulnerable populations.

Date: 1/28/2009 dpb

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