

## Department of Planning and Budget 2010 Fiscal Impact Statement

**1. Bill Number:** HB823

House of Origin	<u>  X  </u>	Introduced	<u>      </u>	Substitute	<u>      </u>	Engrossed
Second House	<u>      </u>	In Committee	<u>      </u>	Substitute	<u>      </u>	Enrolled

**2. Patron:** Surovell

**3. Committee:** Courts of Justice

**4. Title:** Expungement of police and court records in district court.

**5. Summary:** Provides that if a person is charged with the commission of a misdemeanor criminal offense and is acquitted, or the charge is dismissed with prejudice, he may immediately, upon the acquittal or dismissal, orally request expungement of the police and court records relating to the charge. The person shall be assessed \$100 in costs. The court shall order the expungement, or deny it, on the same grounds as apply in a circuit court.

**6. Fiscal Impact Estimates:** Preliminary; See Item 8 below.

**7. Budget Amendment Necessary:** Yes. Item 407.

**8. Fiscal Implications:** According to the Department of State Police, the proposed legislation could require up to \$689,424 of general fund support in the first year and \$439,264 in the second year. In the first year these costs include \$237,360 to address the information technology impact (design, database changes, testing, implementation, maintenance and operation, etc.) and \$452,064 to support the eight positions that would be needed for the possible workload of 98,832 misdemeanor cases per year. Second year costs are to support the eight positions and would be ongoing. [Positions were determined by using the 2009 actual number of non-conviction misdemeanor cases (98,832) divided by the daily workload of cases (49) multiplied by the number of days worked (240).]

The proposed legislation also requires payment of \$100 in court costs by the person seeking expungement. It is not possible to determine the revenue that might be generated from this \$100 court costs, as it is not possible to predict the number of individuals that will seek expungement or unable to pay the \$100 cost.

It should be noted that additional costs resulting from this proposal are expected from the Compensation Board and Supreme Court of Virginia. Updates to this fiscal impact will occur as additional information is provided.

**9. Specific Agency or Political Subdivisions Affected:** Department of State Police, circuit court clerks and Supreme Court.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** Clarification may be needed for multiple misdemeanor criminal offenses.  
If a persons is charged with multiple offenses, and acquitted, would the person pay a single \$100 or pay \$100 per offense?

**Date:** 1/29/2010 dpb/John Crooks

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