

## Department of Planning and Budget 2012 Fiscal Impact Statement

**1. Bill Number:** HB1123

<b>House of Origin</b>	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** Keam

**3. Committee:** Courts of Justice

**4. Title:** Dissemination of criminal history record information; state treasurer.

**5. Summary:** Allows the state treasurer access to criminal history record information for the purpose of determining whether a person receiving compensation for wrongful incarceration has been subsequently convicted of a felony.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary. See item 8, below.

**8. Fiscal Implications:** The Code provides for awarding compensation to any person who is wrongfully convicted of a felony and incarcerated; however, if that person is subsequently convicted of a felony he or she shall not be eligible to receive any unpaid amounts from the compensation award. The Code does not provide a means of determining if subsequent events have occurred that would impact compensation awarded or who would be responsible for making such a determination. This proposal amends the Code to allow the State Treasurer, since the State Treasurer is responsible for purchasing the annuity which comprises 80 percent of the compensation award, to request criminal history recorded information periodically to determine the status of such person. According to statute, immediately upon such conviction, such individual and his beneficiaries are not eligible to receive any unpaid amounts from any compensation awarded, including any annuity, and any unpaid amounts remaining under any annuity become the property of the Commonwealth and are to be deposited into the general fund of the state treasury.

Treasury may incur some costs in obtaining a criminal history. It is anticipated that Treasury will obtain any criminal history information from the State Police. It is also anticipated that any costs would be absorbable.

**9. Specific Agency or Political Subdivisions Affected:** Department of the Treasury.

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

**11. Other Comments:** None.

**Date:** 1/18/12