

Department of Planning and Budget 2013 Fiscal Impact Statement

1. Bill Number: HB1308

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

2. Patron: Habeeb

3. Committee: House Committee for Courts of Justice

4. Title: Writ of actual innocence; petition by juvenile adjudicated delinquent upon felony charge.

5. Summary: Provides that a juvenile adjudicated delinquent of an offense that would be a felony if committed by an adult may petition the Supreme Court to issue a writ of actual innocence on the basis of biological or non-biological evidence regardless of his plea or the classification of the felony for which he was adjudicated delinquent. Currently such petitions are limited to those convicted (i) in the case of biological evidence, of a Class 1 or Class 2 felony or equivalent felony upon any plea or of any other felony upon a plea of not guilty or (ii) in the case of non-biological evidence, of any felony upon a plea of not guilty.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary (see Item 8)

8. Fiscal Implications: According to information obtained from the Supreme Court of Virginia, the number of writs of actual innocence filed by adults based on delinquency adjudication is expected to be low. While there will likely be some impact resulting from this legislation, it is expected the impact would be small, and thus manageable with the use of existing resources.

9. Specific Agency or Political Subdivisions Affected: Courts

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: January 8, 2013

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