

Department of Planning and Budget 2013 Fiscal Impact Statement

1. Bill Number: SB836

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: Alexander

3. Committee: Senate Committee for Courts of Justice

4. Title: Vacate criminal conviction

5. Summary: Provides that notwithstanding any provision of the code or any rule of court to the contrary, upon hearing of a motion by a person convicted of a felony or adjudicated delinquent of a felony offense in the proper court of the jurisdiction where the person was convicted, following notice to the Commonwealth, a court may at any time after the person's conviction or adjudication vacate the judgment of the criminal conviction or adjudication of the person when the court finds that the conviction or adjudication was obtained by the commission of a material fraud upon the court or perjured testimony.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: According to the Supreme Court of Virginia, this legislation will create a new cause of action for post-conviction relief. There will likely be new cases brought to circuit court and juvenile and domestic relations court which are not now being brought. It is not possible to estimate how many of these cases are likely to be brought especially since the initiation of these cases is the result of the petitioner's decision.

9. Specific Agency or Political Subdivisions Affected: Courts

10. Technical Amendment Necessary: No

11. Other Comments: Same as SB840 and HB1492

Date: January 11, 2013

Document: G:\FY 2013 FIS\SB836 - Vacate Criminal Conviction For Fraud Upon The Court.Doc