

Department of Planning and Budget 2013 Fiscal Impact Statement

1. Bill Number: SB845

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: Carrico

3. Committee: Courts of Justice

4. Title: Expungement of certain misdemeanors

5. Summary: Allows a person convicted of certain misdemeanors who has successfully completed all terms of probation to file a petition for expungement 10 years after the conviction if he has not been convicted of any other offense. DUI, child abuse or neglect, domestic violence, sex offenses, and crimes against persons do not qualify for expungement. Any conviction that is expunged will be considered a prior conviction for purposes of prosecution of any subsequent offense for which the prior conviction statutorily enhances punishment.

6. Budget Amendment Necessary: Yes; Item 416.

7. Fiscal Impact Estimates: Preliminary; See Item 8 below.

8. Fiscal Implications: According to the Department of State Police, the proposal requires the agency to develop multiple tables to replicate information that is being expunged from the Computerized Criminal History (CCH) system, as well as changes to a significant number of programs. The estimated fiscal impact is \$1.4 million in the first year and \$724,653 each year thereafter.

The State Police identified a first year cost of \$664,320 for system design and other project costs. In addition, the department has witnessed a significant increase in the number of expungement requests since 2005 (from 1,192 to 3,445) without getting additional staffing. The department believes that an additional 3,219,747 misdemeanor convictions would potentially be eligible for expungement under this proposal. State Police also believes that with more employers relying on background checks in their search for suitable employees, requests for expungement will be increasing. Based on this, the department seeks 13 additional positions and \$745,453 the first year and \$724,653 the second year.

Any potential fiscal impact of this proposal on the courts has yet to be reported by the Supreme Court of Virginia.

9. Specific Agency or Political Subdivisions Affected: Department of State Police, attorneys for the Commonwealth, courts statewide.

10. Technical Amendment Necessary: No.

11. Other Comments: Identical to HB 1675.

Date: January 15, 2013

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