

Department of Planning and Budget 2014 Fiscal Impact Statement

1. Bill Number: HB598

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: Herring

3. Committee: House Committee for Courts of Justice

4. Title: Plea required for issuance of a writ of actual innocence

5. Summary: Provides that a convicted person may petition for a writ of actual innocence regardless of the type of plea he entered at trial. Under current law, a person may petition for a writ based on non-biological evidence if he entered a plea of not guilty; a person may petition for a writ based on biological evidence if he (i) entered a plea of not guilty, (ii) is convicted of murder, or (iii) is convicted of a felony for which the maximum punishment is imprisonment for life.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: The amendments made by this bill would likely have a significant increase on the number of individuals potentially eligible to petition for a writ of actual innocence. The number of writ of actual innocence petitions filed in both the Supreme Court and the Court of Appeals is expected to increase as a result of this bill; however, the volume of that increase cannot accurately be predicted. According to the Office of the Executive Secretary, a significant increase would likely require additional staff in the Court's Clerk's Office within the Virginia Court of Appeals and Chief Staff Attorney's Office.

9. Specific Agency or Political Subdivisions Affected: Supreme Court; Court of Appeals

10. Technical Amendment Necessary: No

11. Other Comments: None

RMT