

Department of Planning and Budget

2014 Fiscal Impact Statement

1. Bill Number: SB111

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Stanley

3. Committee: Courts of Justice

4. Title: Expungement of criminal conviction record.

5. Summary: The legislative proposal allows a person convicted of certain criminal offenses to petition to have his conviction expunged after a five-year period has expired following the conviction, upon a showing that his opportunities for employment, education, or professional licensure are prejudiced by the existence of the criminal record. Expungement would not be available for someone convicted of a violent felony, a DUI-related offense, an offense for which registration on the sex offender registry is required, or domestic violence. Under the proposed legislation a petitioner, convicted of the commission of a crime or any offense as stipulated in the legislation, is required to pay a \$325 fee when filing a petition requesting expungement of police records and court records relating to the charge and conviction.

6. Budget Amendment Necessary: Yes. Item 413.

7. Fiscal Impact Estimates: Tentative. See Items 7a and 8.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2015	\$2,515,671	20	General Fund
2016	\$1,218,671	20	General Fund
2017	\$1,218,671	20	General Fund
2018	\$1,218,671	20	General Fund
2019	\$1,218,671	20	General Fund
2020	\$1,218,671	20	General Fund

8. Fiscal Implications: According to the Department of State Police (Department), the implementation of this legislation would create a fiscal impact due to the costs associated with modifying the Virginia's Criminal History (CCH) system to allow for the expungement of convictions. The one-time cost associated with the modification of the CCH is estimated at \$1,265,000. Currently, there is a multi-year effort under way to replace the legacy COBOL CCH system with a Java based system. Adding any new major enhancements to the legacy system when it is being replaced as such modification, will have an adverse impact on the CCH replacement project schedule. With the current transformation effort underway to replace the

legacy, the system changes would be available within approximately six (6) to nine (9) months. With the changes anticipated as a result of the proposed legislation, the transformation project currently underway will be delayed by a calendar year.

The Department's expungement section of the Criminal Justice Information Services Division (CJIC) has processed an increasing number of expungement over the years, while the number of employees has remained static:

Year # of Expungement

2005 – 1192

2006 – 1765

2007 – 2110

2008 – 2419

2009 – 2758

2010 – 3137

2011 – 3445

2012 – 3651

2013 – 3900

This growth in expungement requests is due to the increased use of background checks by employers seeking suitable employees. Currently, as the expungement statute exists, the expungement section is averaging 2,709 expungements per year associated with 3,709,880 non-convictions on record. The expungement section contains 6 full-time positions. Each person processes approximately 14 expungements per day. There are additional 4,248,018 misdemeanor convictions that would potentially be eligible for expungement under this proposed legislation.

The Department expects that the number of individuals seeking expungement would far outpace what the CJIC Expungement Section currently receives. The fiscal impact information provided under Item 7a., is based upon the Department's assumption that the potential of records to expunge would be 4.2 million. The Department estimates that twenty (20) additional positions would be needed to process 4.2 million expungement requests and perform other functions associated with maintaining the modified expungement registry. According to the Department, the following number of positions would be required to process 4.2 million records:

1 – Office Services Supervisor

9 – Program Support Technicians

7 – Office Services Specialists

3 – Office Services Assistant

The proposed legislation would also increase additional revenue for the State Police and local treasuries from the \$325 filing fee that a petitioner is required to pay when submitting a request for expungement. Under the proposed legislation, State Police would receive one-half of the fee. It is not possible to estimate anticipated revenue as data is insufficient to project the number of new requests for expungement under the new proposal.

9. Specific Agency or Political Subdivisions Affected: Department of State Police

10. Technical Amendment Necessary: No.

11. Other Comments:

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