

Department of Planning and Budget

2015 Fiscal Impact Statement

1. Bill Number: HB1764H1

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

2. Patron: Loupassi

3. Committee: Courts of Justice

4. Title: Dissemination, etc., of criminal history record information; civil actions.

5. Summary: The substitute proposal creates two separate civil actions relating to the dissemination, publication, or maintenance of criminal history record information.

First, any person who disseminates, publishes, or maintains or causes to be disseminated, published, or maintained the criminal history record information of an individual pertaining to that individual's charge or arrest for a criminal offense more than 120 days after confirmation by the State Police to the individual charged or arrested that such information has been expunged pursuant to Title 16.1 or Title 19.2 when such person knows or has reason to know that the information has been expunged shall be liable to the individual who is the subject of the information.

Second, any person who disseminates, publishes, or maintains or causes to be disseminated, published, or maintained the criminal history record information of an individual pertaining to that individual's charge or arrest for a criminal offense and solicits, requests, or accepts money or other thing of value for removing such criminal history record information shall be liable to the individual who is the subject of the information. In both cases, such person will be liable to the subject individual for actual damages or \$500, whichever is greater, in addition to reasonable attorney fees and costs.

The substitute also provides that a person shall not be liable if the dissemination or publication of such information was not prohibited at the time of the dissemination or publication or if dissemination or publication is otherwise required by law.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Tentative. See Item 8.

8. Fiscal Implications: The proposal would have no material fiscal impact on the Department of State Police, and local law enforcement agencies.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 2/9/2015-HB1764.docx (LAJ)