

## Department of Planning and Budget 2016 Fiscal Impact Statement

**1. Bill Number:** HB112

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

**2. Patron:**    Lingamfelter

**3. Committee:** Courts of Justice

**4. Title:**    Police and court records; expungement of certain offenses.

**5. Summary:** The proposal allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession, underage alcohol possession, and using a false ID to obtain alcohol when the offense occurred prior to the person's 21st birthday and five years have elapsed since the date of completion of all terms of sentencing and probation.

**6. Budget Amendment Necessary:** Yes. Item 422.

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

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2017	\$ 1,169,869	8	General Fund
2018	\$517,746	8	General Fund
2019	\$517,746	8	General Fund
2020	\$517,746	8	General Fund
2021	\$517,746	8	General Fund
2022	\$517,746	8	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 and additional personnel required to process expungements.

Currently, there is a multi-year effort under way to replace the legacy COBOL-CCH system with a Java based system, to be completed on or about April 2017. According to the Department, to fulfill the provision of the proposal, the CCH system would require modifications to include reprogramming in order to introduce new functionality as well as performing extensive systems upgrades, which involve development, testing, and quality assurance tasks. Assuming, the required modifications are conducted after April 2017, the cost for the modifications is estimated at \$39,323.

However, if additional modifications are required pursuant to the proposed legislation, before the completion of the current CCH transformation, the Department estimates that the delay would cost an additional \$600,000 for a total cost of \$639,323 (three month delay at \$200,000 per month). The

Department also believes that further delay to the CCH replacement project beyond April 2017, may add considerable risk to the project, such as scope change and modifying code that is under development, project staff retention, and possible legacy system failures. While these risks may result in substantial cost increase to the project, it is not feasible to calculate the actual cost at this time.

In addition to the CCH modification costs, the Department's Criminal Justice Information Services Division (CJIC) expungement section will require eight new personnel to meet the provisions of the proposal. The Department expects that the number of individuals seeking expungement would far outpace what CJIC expungement section currently receives. The positions required to process expungements include one Office Services Supervisor, four Program Support Technicians, two Office Services Specialists, and one Office Services Assistant at the total first year cost for these eight positions at \$530,546, and the second year cost at \$517,746 (the higher funding amount required in the first year includes one-time nonpersonnel costs).

The expungement section has processed an increasing number of expungement over the years, while the number of employees has remained static. According to the data provided by the Department, currently, as the expungement statute exists, the expungement section is averaging 2,935 expungements per year (2005-2015). According to the Department, there are additional 45,000 misdemeanor convictions to date that would potentially be eligible for expungement under this proposed legislation.

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

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** To accommodate the current Department of State Police CCH legacy replacement project scheduled for completion on or about April of 2017, and to provide the Department adequate time to implement the required IT modifications under the proposal, it is suggested that the provisions of the proposal have a delayed effective date.

**Date:** 1/20/2016-HB112.doc (reviewed 1-18-16).doc