

Department of Planning and Budget 2017 Fiscal Impact Statement

1. Bill Number: HB 2086

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 Courts of Justice

4. Title: Writ of actual innocence; nonbiological evidence

5. Summary:

Under current law, persons convicted of a felony may petition the Supreme Court for a writ of actual innocence based on new testing of nonbiological evidence that was unknown or unavailable to the petitioner at the time of the trial. Only one writ on a conviction may be filed by a petitioner.

If, after hearing the petition, the Supreme Court finds clear and convincing evidence that no rational trier of fact would have found proof of guilt beyond a reasonable doubt, it shall grant the writ and vacate the conviction.

The proposed legislation would eliminate the limitation of one petition per conviction. Furthermore, it would expand the authorized basis for a petition to include the results of evidence, which, although it had been known at the time of the trial, had not been tested and had subsequently been scientifically tested.

6. Budget Amendment Necessary: None.

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

8. Fiscal Implications:

By lifting the restriction on the number of petitions for a writ of actual innocence based on nonbiological evidence that can be filed per conviction and expanding the authorized basis for such petitions to include untested evidence, the proposed legislation could result in more petitions being filed with the Supreme Court. However, it is not feasible to reasonably project how many additional petitions would be filed or if any additional law clerks or administrative staff would be needed to help with the additional workload.

9. Specific Agency or Political Subdivisions Affected:

Supreme Court
Department of Forensic Science

Office of the Attorney General

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 1/25/2017