

Department of Planning and Budget 2018 Fiscal Impact Statement

1. Bill Number: HB 141

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: Cole

3. Committee: Courts of Justice

4. Title: Expungement of criminal records

5. Summary:

Current law sets out a procedure for a person to file for expungement of the police records and court relating to specified charges. The procedure includes filing a copy of the petition with the Commonwealth's attorney, obtaining criminal history information, and a court hearing. However, if a person has been granted an absolute pardon for a crime he did not commit, the law directs the court to order the expungement of the police and court records relating to the charge and conviction upon petition by the person.

The proposed legislation would direct the Secretary of the Commonwealth to forward a copy of the order, granting an absolute pardon to a person convicted of a crime he/she did not commit, to the circuit court in which the person was convicted. Upon receipt of the copy of the order, the court would be required to enter an order requiring expungement of all police and court records related to the offense, without any action being required of the person convicted and subsequently pardoned.

6. Budget Amendment Necessary: None.

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

8. Fiscal Implications:

The proposed legislation would apply only to situations in which absolute pardons had been granted. There are very few such pardons granted annually: in 2016, there was one; in 2015, two; and no absolute pardons were granted in 2014 and 2013. According to the office of the Secretary of the Commonwealth, the proposal would have no fiscal impact upon that office.

9. Specific Agency or Political Subdivisions Affected:

Secretary of the Commonwealth
Circuit courts
Virginia State Police

10. Technical Amendment Necessary: None.

11. Other Comments: None.