

**Department of Planning and Budget
2018 Fiscal Impact Statement**

1. Bill Number: HB 142

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

2. Patron: Cole

3. Committee: Pending

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 enable anyone granted an absolute pardon, and not just those pardoned for crimes they did not commit, to use the expedited method of obtaining expungement.

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. Consequently, it is expected that the proposal will not have a fiscal impact on state agencies.

9. Specific Agency or Political Subdivisions Affected:

Circuit courts
Virginia State Police
Commonwealth's attorneys

10. Technical Amendment Necessary: None.

11. Other Comments: None.