

## Department of Planning and Budget 2020 Fiscal Impact Statement

1. **Bill Number:** SB625

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

2. **Patron:** Scott A. Surovell

3. **Committee:** Courts of Justice

4. **Title:** Failure to advise of consequences of guilty plea; vacation of conviction.

5. **Summary:** Creates a mechanism for a person who is not a citizen of the United States to vacate a criminal conviction or adjudication of delinquency, other than for a violent felony or an offense that requires sex offender registration, if such person was not advised of the possible adverse consequences of such conviction or adjudication on his immigration status (i) for any conviction of such offense entered on or before July 1, 2019, or (ii) if the petitioner received actual notice that he is subject to deportation or removal from the United States, exclusion from admission to the United States, or denial of naturalization under federal law as a result of entering a plea of guilty or nolo contendere to such offense and such petition is filed within one year after receiving such notice. The bill provides that such person may file a petition with the appropriate circuit court, which may hold a hearing on the petition and either dismiss the petition or vacate the person's conviction or adjudication and order a retrial. The bill also provides that only one such petition may be filed.

6. **Budget Amendment Necessary:** Yes

7. **Fiscal Impact Estimates:**

7a. **Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2020			
2021	\$249,417	2	General Fund
2022	\$249,417	2	General Fund
2023	\$249,417	2	General Fund
2024	\$249,417	2	General Fund
2025	\$249,417	2	General Fund
2026	\$249,417	2	General Fund

8. **Fiscal Implications:** The Office of the Attorney General and Department of Law (OAG) indicates this bill offers an alternate avenue for relief for non-citizens who may face immigration consequences as a result of their guilty plea for a non-violent felony. OAG states since they may be representing state custodians for these hearings they will need at least one additional attorney and one paralegal position.

The Virginia Indigent Defense Commission (VIDC) indicates a large portion of their cases do not involve non-citizens and can most likely absorb the impacts of this bill with current resources. According to the Office of the Executive Secretary of the Supreme Court this bill could result in some additional hearings, but it is expected it can be implemented with current resources.

**9. Specific Agency or Political Subdivisions Affected:** Office of the Attorney General and Department of Law, Virginia Indigent Defense Commission, Commonwealth Courts and Magistrate Offices

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

**11. Other Comments:**