

## Department of Planning and Budget 2023 Fiscal Impact Statement

**1. Bill Number:** HB1586

**House of Origin**    ☒ Introduced    ☐ Substitute    ☐ Engrossed

**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:** Sullivan

**3. Committee:** Courts of Justice

**4. Title:** Wrongful incarceration; compensation.

**5. Summary:** Provides that any person who is convicted of a felony by a county or city circuit court of the Commonwealth and is wrongfully incarcerated for such felony shall receive, in addition to the compensation for wrongful incarceration specified under current law, not less than \$25,000 for each year (i) of imprisonment after being sentenced to death; (ii) served on parole or post release supervision; or (iii) such person was required to register with the Sex Offender and Crimes Against Minors Registry.

**6. Budget Amendment Necessary:** See Item 8.

**7. Fiscal Impact Estimates:** Indeterminate; see Item 8.

**8. Fiscal Implications:** The bill adds compensation of not less than \$25,000 for each year of imprisonment after being sentenced to death, served on parole or postrelease supervision, or registration with the Sex Offender and Crimes Against Minors Registry to the compensation amounts wrongfully incarcerated persons are eligible to receive.

The fiscal impact of this legislation is indeterminate because the number of and characteristics of eligible recipients in future years are unknown. If passed, the provisions of the bill would become effective July 1, 2023, and there are also other bills currently being considered by the 2023 General Assembly to compensate wrongfully incarcerated individuals, including HB 1463, HB 1582, and SB 928, which would become effective at the same time if passed. It is not clear if the provisions of HB 1586 would apply to individuals for which compensation is authorized by the 2023 General Assembly. It is also not clear if an individual who meets more than one of the conditions in the proposed text is entitled to \$25,000 per year for each criteria met or if the bill's provisions would apply to each year one or more criteria is met. Assuming that an individual were to receive \$25,000 per year one or more criteria is met due to the use of the term "or" in the text and the provisions of HB 1586 were to apply to the two individuals for which relief is proposed in HB 1463, HB 1582, and SB 928, the Department of the Treasury estimates that the impact would be \$108,357 for HB 1463 and SB 928 and \$171,987 for HB 1582.

**9. Specific Agency or Political Subdivisions Affected:** Department of the Treasury

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None

1/23/2023