

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB265 ER

House of Origin	<input type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input checked="" type="checkbox"/>	Enrolled

2. Patron: Simon

3. Committee: Passed both Houses

4. Title: Removal of public officers from office; petition requirements, procedure.

5. Summary: The proposed bill requires the signatures collected on a petition for removal of certain public officers to be collected within 90 days of the first signature being collected and provides that no signatures gathered after such period shall count toward the required number.

Current law requires that, upon receipt of the petition, the attorney for the Commonwealth shall promptly review the petition and determine if valid grounds exist to remove the officer. Upon determining that valid grounds exist for removal, the attorney for the Commonwealth must notify the circuit court. The bill provides that the attorney for the Commonwealth must request that the court dismiss the petition and the court must do so if the factual or legal allegations therein are not materially different than the factual or legal allegations set forth in a previously filed petition or litigated in a trial pursuant to a previously filed petition that was against the same subject and that was dismissed with prejudice or that did not result in the subject's removal from office at trial. The bill provides that discovery shall not be permitted in any removal proceeding.

The bill also provides that in proceedings to remove a public officer from office, if the attorney for the Commonwealth who would be responsible for reviewing a removal petition and determining whether valid grounds for removal exist or for representing the Commonwealth at a removal proceeding has a conflict of interest or is otherwise unavailable, the Chief Justice of the Supreme Court of Virginia must appoint an alternate attorney for the Commonwealth.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: This bill is not expected to have a material impact on Commonwealth Attorneys or the Virginia Supreme Court.

9. Specific Agency or Political Subdivisions Affected: Commonwealth Attorneys, Virginia Supreme Court.

10. Technical Amendment Necessary: No.

11. Other Comments: None.