

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB641

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: Sullivan

3. Committee: Courts of Justice

4. Title: Claims; David Wayne Kingrea; compensation for wrongful inclusion on sex offender registry.

5. Summary: Provides that any individual wrongfully incarcerated or wrongfully required to register on the sex offender registry may be awarded compensation for every such year of wrongful incarceration or wrongful registration. The bill grants relief in an amount to be appropriated to David Wayne Kingrea, who was wrongly convicted of indecent liberties with a minor, and as a result of such wrongful conviction, required to register on the sex offender registry.

6. Budget Amendment Necessary: Yes, Item 261 of HB30.

7. Fiscal Impact Estimates: Preliminary, see Item 8.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2024	\$0	N/A
2025	\$431,266	General

8. Fiscal Implications: Under current law, individuals who are wrongfully incarcerated are eligible for compensation for each year of incarceration. This legislation would extend that same compensation for each year an individual was wrongfully required to register for the sex offender registry pursuant to a wrongful incarceration. This provision may lead to increased payments to such individuals, however, future amounts are indeterminate at this time and would be dependent on the circumstances of any individual found to have been wrongfully incarcerated and wrongfully required to register on the sex offender registry.

Pursuant to this proposed change in statute, the bill would also provide relief to David Wayne Kingrea. Mr. Kingrea was found to have been wrongfully incarcerated and was compensated for the time he was incarcerated via Chapter 13, 2023 Acts of Assembly. Mr. Kingrea was also wrongfully required to register on the sex offender registry, and this legislation would compensate him for the time he was wrongfully registered.

Per calculations performed by the Department of the Treasury (Treasury) based on Mr. Kingrea's dates of registration, he would be entitled to \$431,266 under the provisions of this legislation. The bill directs that 25 percent of this amount be provided as a lump sum payment and the remainder would be provided as an annuity purchased by the State Treasurer. This amount would need to be appropriated in the Appropriation Act from the general fund in order for Treasury to make the payment and purchase the annuity.

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

10. Technical Amendment Necessary: No.

11. Other Comments: HB640 would modify the formula by which compensation is calculated for individuals who were wrongfully incarcerated.

Date: January 23, 2024

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