

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. **Bill Number:** HB838

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:** Hope

3. **Committee:** Courts of Justice

4. **Title:** Expungement of police and court records.

5. **Summary:** This bill provides that for the purposes of expungement of police and court records the term "otherwise dismissed" means to render a legal action out of consideration in a different way or manner than a nolle prosequi or formal dismissal by the trial court. The bill specifies that the term "otherwise dismissed" also includes those circumstances when an initial charge is reduced or amended to another offense, including a lesser included offense or the same offense with a lesser gradient of punishment, so that such person is not convicted of the initial charge and may file a petition requesting expungement of the police and court records relating to the initial charge. The bill also provides that if a court finds that the continued existence and possible dissemination of information relating to an arrest may cause circumstances that constitute a hindrance to obtain employment, an education, or credit, it shall enter an order requiring the expungement of the police and court records. Under current law, a court shall enter an order of expungement when information relating to an arrest causes or may cause circumstances that constitute a manifest injustice to the petitioner.

6. **Budget Amendment Necessary:** Yes, Item 415.

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

8. **Fiscal Implications:** The Department of State Police (VSP) estimates that there are 289,953 records in VSP's Computerized Criminal History (CCH) system that would meet the criteria outlined in the bill. At this time, VSP cannot determine how many individuals would take advantage of this expungement. Currently, petitions for expungements are processed manually in the current CCH system. The CCH is expected to be automated and streamlined by implementing the Criminal and Rap Back Information System (CRIS) Project in calendar year 2025, which will replace the current CCH system. The existing staffing level of the Department's expungement unit is eight technicians and one supervisor.

With a 2024 enactment date for this legislation, which is before the process is more streamlined by the CRIS implementation, VSP anticipates it would need to hire contractors to meet the potential increase workload. Although it is indeterminate how many of the 289,953 potential expungement cases would be acted upon, the anticipated workload per front line

contractor would be 500 cases per year. One front line contractor's estimated annual general fund cost is \$24,500. Additionally, VSP estimates it would need to hire a first-line supervisor contractor for every ten non-IT front-line contractors. The estimated annual general fund cost per first line supervisor contractor is \$29,400. Not included in the personnel cost is the cost to lease office space, purchase furniture, and purchase IT hardware, which is estimated to be \$11,262 general fund in the first year and \$5,805 in the second year per contractor hired.

Finally, VSP estimates it would need \$320,320 in general fund support for IT development to modify the current CCH module until the impending CRIS system is operational. This cost includes validation requirements with the vendor, interface development, testing, and implementation.

The Office of the Executive Secretary (OES) for the Virginia Supreme Court is reviewing the bill for potential impact. The fiscal impact statement will be updated if additional and relevant information becomes available from the OES.

9. Specific Agency or Political Subdivisions Affected: Courts and state and local law enforcement agencies.

10. Technical Amendment Necessary: No.

11. Other Comments: None.