

## Department of Planning and Budget 2024 Session Fiscal Impact Statement

**1. Bill Number:** SB504

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

**2. Patron:** Surovell

**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 a person is charged with the commission of a crime, a civil offense, or any offense defined in relevant law and the 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 unless the subject of the criminal record requests otherwise, any person who files an expungement petition shall be allowed to proceed under a pseudonym and that such designation shall apply in the trial court and on any appeal. The bill also allows for the expungement of any emergency or preliminary protective order that was attached or factually related to an expunged charge or offense, provided that a permanent protective order was not ordered as a result of such emergency or preliminary protective order. 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. The bill requires a business screening service, defined in the bill, to destroy all expunged records, as defined in the bill, and to follow reasonable procedures to ensure that it does not maintain or sell expunged records. The bill also provides that an indigent person may file a petition for expungement without the payment of fees and costs and can request court-appointed counsel, who shall be paid from the Sealing Fee Fund.

**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 as outlined in the bill. VSP cannot determine at this time how many individuals would take

advantage of this expungement. Currently petitions for expungements are processed manually in the current CCH system and will be more automated and streamlined with the implementation of the Criminal and Rap Back Information System (CRIS) Project in calendar year 2025 that will replace the current CCH system. The existing staffing level of the Department's expungement unit is 8 technicians and 1 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 uptick in work. Although it is indeterminate how many of the 289,953 potential expungement cases would be acted upon, the anticipated workload per Non-IT Front Line Contractor would be 500 cases per year. The anticipated cost for every Non-IT Front Line Contractor required to be hired is \$24,500 general fund per year. Additionally, VSP estimates it would need to hire a First Line Supervisor Contractor for every 10 Non-IT Front Line Contractors. The estimated cost per First Line Supervisor Contractor is \$29,400 general fund per year. 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 general fund for IT development to program changes for the CCH module of the impending CRIS system which will be required to expunge the initial charge and provide the amended or reduced charge and conviction on the criminal history record as well as updates to the interfaces with Courts and law enforcement notifications. This cost includes requirements validation 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.