

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: HB422

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Herring

3. Committee: House Committee for Courts of Justice

4. Title: Writ of actual innocence for previously unknown or unavailable nonbiological evidence

5. Summary: The proposed bill changes the provision requiring that a petitioner petitioning for a writ of actual innocence based on previously unknown or unavailable nonbiological evidence allege that such evidence is such as could not, by the exercise of diligence, have been discovered or obtained before the expiration of 21 days following entry of the final order of conviction or adjudication of delinquency by the circuit court to instead require that the petitioner allege such evidence could not have been discovered or obtained before the conviction or adjudication of delinquency became final in the circuit court.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary (see Item #8)

8. Fiscal Implications: According to the Office of the Executive Secretary of the Supreme, after consultation with the Court of Appeals, the proposed bill is not expected to have a material fiscal impact on the court system. The Department of Forensic Science also reports that the bill does not create a fiscal impact on its agency operations. The Office of the Attorney General is assessing the legislation for fiscal impact purposes. Once relevant information is available, the fiscal impact statement will be revised.

9. Specific Agency or Political Subdivisions Affected: Court of Appeals, Department of Forensic Science, and Supreme Court

10. Technical Amendment Necessary: No

11. Other Comments: None