

Department of Planning and Budget
2025 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: HB1914

Patron: Sullivan

Bill Title: Compensation for wrongful incarceration; compensation for certain intentional acts.

Bill Summary: Provides that, in any matter resulting in compensation for wrongful incarceration wherein there was an intentional act leading to or contributing to such wrongful incarceration, a wrongfully incarcerated person may be compensated up to or equal to four times the amount of compensation awarded for wrongful incarceration wherein there was no intentional act. Under current law, compensation for wrongful incarceration wherein there was an intentional act may be up to or equal to the amount of compensation awarded wherein there was no intentional act. The bill removes the requirement that provides that additional compensation for intentional acts shall not become effective until the wrongfully incarcerated person releases any claims against the Commonwealth and, if applicable, enters into an agreement with the agency or locality that fabricated and withheld evidence whereby such agency or locality matches the amount of compensation provided by the Commonwealth. The bill also conditions that any compensation an individual receives as a result of being wrongfully required to register with the Sex Offender and Crimes Against Minors Registry will only be for the years that the individual was registered after being released from incarceration.

Budget Amendment Necessary: No

Items Impacted: N/A

Explanation: No budget amendment is necessary.

Fiscal Summary: The fiscal impact is indeterminate, and the bill would affect future costs for individuals who qualify.

Fiscal Analysis: According to the Treasury, the fiscal impact of the proposed legislation is indeterminate, and would affect future costs for individuals who qualify. The bill provides that if an intentional act led to wrongful incarceration, the individual may be compensated up to or equal to four times the amount of compensation awarded for wrongful incarceration in addition to any compensation awarded pursuant to § 8.01-195.11, Code of Virginia, regarding compensation for wrongful incarceration or registration. Under current law, such individuals may receive an additional payment up to or equal to the amount of their compensation for wrongful incarceration or registration.

The proposed legislation modifies the existing formula for awarding compensation by basing the compensation on whether the person was required to register with the Sex Offender and Crimes Against Minors Registry after release from incarceration. The current law provides compensation to all individuals who were required to register with the Sex Offender and Crimes Against Minors Registry regardless of whether the individual was registered before or after being released from incarceration.

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The bill removes provisions of the Code that specify the individual who was wrongfully incarcerated must sign a release and waiver document. The bill also removes provisions of the Code that specify that the government entity or local subdivision responsible for the intentional act must agree to compensate the individual with a sum at least equal to the total compensation pursuant to § 8.01-195.11, Code of Virginia, regarding compensation for wrongful incarceration. The provision generates no fiscal impact. The proposed legislation could result in larger payments in the future. Due to its permissive language, any additional compensation would remain at the discretion of the General Assembly.

Other: If this bill is enacted into law, it will impact the relief calculations on HB1586 and HB1776.