

144TH GENERAL ASSEMBLY

FEE IMPACT STATEMENT

BILL:	HOUSE BILL NO. 496
SPONSOR:	Representative Valihura
DESCRIPTION:	AN ACT TO AMEND TITLES 10 AND 11 OF THE DELAWARE CODE RELATING TO RECORDS OF ARREST AND PROSECUTION.

Assumptions

In accordance with Volume 70, Chapter 456, Laws of Delaware, the following information is provided regarding fees for mandatory expungements.

Description of Legislation

Effective 90 days upon enactment, the Act amends the process by which police and court records are expunged for adult defendants. Most misdemeanor records would now be classified as "mandatory expungements," and would be processed and executed by the Department of Safety and Homeland Security, State Police, State Bureau of Identification (SBI). There would also be discretionary expungements, which would be processed by the Courts and executed by SBI as they are currently done. SBI has the authority to promulgate a reasonable fee schedule to accomplish the purposes of this Act.

Purpose of Legislation

To provide a more streamlined approach to criminal record expungements.

Affected Entities

The State Bureau of Identification and persons applying for criminal record expungement. SBI plans to charge \$75 per mandatory expungement, the same fee that Courts charge for expungements. SBI will have additional responsibilities in the expungement process, and there will likely be additional expungement requests as a result of the new process.

Fiscal Impact

SBI estimates that they will need 2.0 ASF FTEs (Administrative Specialists I, PG 7) to accomplish the objectives of the legislation. The positions will cost approximately \$83,000 including OECs annually, plus a one-time cost of \$8,000 the first year.

SBI estimates that they will generate the revenues required for these positions. In 2007, there were approximately 1500 expungements. If half of those would be designated as "mandatory," they would generate \$56,250 in expungement fees alone. SBI believes this is a conservative estimate. If there were an additional 300 new applications each year due to the ease of the application process, SBI would generate \$22,500 in expungement fees and \$12,500 from additional criminal background checks, for a total of \$92,250 in revenue.

Intended Use of Revenue Generated

The generated revenues will go toward the operating costs of the expungement process.