

## Department of Planning and Budget 2001 Fiscal Impact Statement

**1. Bill Number** HB1155

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

**2. Patron** Weatherholtz

**3. Committee** Courts of Justice

**4. Title** Who may serve process.

5. Summary/Purpose: This legislation proposes to amend §8.01-293 of the Code of Virginia to require private process servers to undergo a criminal history background check and training established by the Department Criminal Justice Services.

6. Fiscal Impact Estimates are: **Tentative** See Item 8.

6a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2000-01			
2001-02	100,000	2	GF
2002-03	100,000	2	GF

6b. Revenue Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2000-01			
2001-02			
2002-03			

7. Budget amendment necessary: Yes. Item 461.

8. Fiscal implications: The fiscal implications of this legislation are uncertain. The Department of Criminal Justice Services does not currently have a program designed to train non-law enforcement persons to serve process. While a training program could be developed by modifying existing law enforcement officers training in this area, other issues must also be resolved, such as the training and certification of instructors, training locations, collection of fees for training, etc. In addition, it is impossible to estimate the level of interest that may exist among private citizens. However, should the interest prove significant, the agency may need two additional positions and \$100,000 in each year of the next biennium. The agency estimates that it will need one position to design and administer the testing program and one position to enforce any regulations developed as a result of the testing requirements. It is important to note that this is a revised estimate from the agency that essentially doubles the costs noted for this legislation last session.

The Virginia State Police may be impacted if the public develops significant interest in the training. Criminal history record queries must be processed through this agency, but any additional costs

could likely be absorbed. In addition to the minimal fiscal impact, the legislation may also have a revenue impact, as the Commonwealth receives \$15 for each record query, which is deposited to the general fund. Any revenue generated cannot be estimated at this time.

9. Specific agency or political subdivisions affected: The Department of Criminal Justice Services, the Virginia State Police
10. Technical amendment necessary: None.
11. Other comments: The department advises that if general fund support is not available, it is possible to operate and support the program with user fees. However, it is unable to estimate the level of interest and the amount of the fee needed to support the program.

**Date:** 01/10/01 / mem

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cc: Secretary of

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