

Department of Planning and Budget

2003 Fiscal Impact Statement

1. Bill Number: HB2612

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

2. Patron: Bryant

3. Committee: Passed both houses

4. Title: Definition of law enforcement officer

5. Summary/Purpose:

The proposed bill would expand the list of state and local employees defined as law enforcement officers to include conservation officers of the Department of Conservation and Recreation.

Under current law, any law enforcement officer must comply with minimum training standards developed by the Department of Criminal Justice Services. However, the bill would exempt any conservation officers appointed prior to July 1, 2003 from this requirement.

6. Fiscal Impact: Final. See Item No. 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

There are several criminal statutes pertaining to law enforcement officers. Most of these provisions impose enhanced penalties for the assault or murder of a law enforcement officer. For example, a simple assault of a civilian is a Class 1 misdemeanor punishable by up to 12 months in jail, whereas a simple assault of a law enforcement officer is a Class 6 felony, punishable by up to 12 months in jail or one to five years in prison. By expanding the definition of law enforcement officer, the proposed bill could therefore result in additional persons in jail or prison.

There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanor or otherwise local responsible prisoner held in jail, \$8.00 a day for each state responsible inmate held for sixty days or less, and \$14.00 a day for each state responsible inmate held for more than sixty days. It also funds most of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board, the estimated total state support for local jails averaged \$31.86 per inmate, per day in FY 2001.

Due to the lack of data, the Virginia Criminal Sentencing Commission has determined, pursuant to § 30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. However, it is expected that the impact will be negligible.

The Department of Conservation and Recreation already complies with the DCJS law enforcement officer training standards for its conservation officers and thus the bill would not have a fiscal impact on the agency. Because the conservation officers would be covered by existing law enforcement officer standards, the bill would not have a fiscal impact on the Department of Criminal Justice Services.

9. Specific agency or political subdivisions affected:

Department of Conservation and Recreation
Department of Criminal Justice Services
Department of Corrections

10. Technical amendment necessary: None.

11. Other comments: None.

Date: 03/14/03/rwh

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cc: Secretary of Public Safety