

Department of Planning and Budget 2004 Fiscal Impact Statement

1. Bill Number SB493

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

2. Patron Mims

3. Committee Passed Both Houses

4. Title Arrest and detention; illegal aliens.

5. Summary/Purpose: Provides that all law-enforcement officers have the authority to enforce immigration laws and that a law-enforcement officer may, in the course of acting upon reasonable suspicion that an individual has committed or is committing a crime, arrest the individual without a warrant upon receiving confirmation from the Bureau of Immigration and Customs Enforcement that the individual is an illegal alien, and has previously been convicted of a felony in the United States and deported or left the United States after such conviction. A magistrate may issue a warrant and the person may be detained for not more than 72 hours or until taken into federal custody, whichever occurs first. The bill creates a presumption that an individual shall not be admitted to bail if he is detained pursuant to this provision. This bill is identical to HB 570.

6. Fiscal Impact Estimates are: *FINAL*; See Item 8 below.

7. Budget amendment necessary: No.

8. Fiscal implications: It is not possible to estimate the impact due to this proposal on local and regional jails. However, it seems that only a small increase in local jail beds would occur since illegal aliens would probably already be someone a judge would presume unable to satisfy the conditions of “assure the appearance of the person as required and safety of the public.”

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 a jail. 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 \$29.80 per inmate, per day in FY 2002.

9. Specific agency or political subdivisions affected: Compensation Board and local and regional jails.

10. Technical amendment necessary: No.

11. Other comments: None.

Date: 03/26/04 / jgc

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cc: Secretary of Administration