

Department of Planning and Budget 2007 Fiscal Impact Statement

1. Bill Number SB 1045

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

2. Patron O'Brien

3. Committee Senate Courts of Justice

4. Title Enforcement of immigration laws

5. Summary/Purpose:

The bill would authorize sheriffs, local police, and the State Police to exercise any immigration powers conferred upon them by agreement with the U.S. Department of Homeland Security. It would also authorize the Department of Corrections to house offenders committed by federal officials until they have been discharged under the laws of the United States.

6. Fiscal Impact: Not available. See Item 8.

7. Budget amendment necessary: No.

8. Fiscal implications:

It is not feasible to project the possible fiscal implications of this bill. First, the bill does not require local or state law-enforcement agencies to enter into agreements with the federal government to exercise immigration powers. Therefore, it is not known how many local law-enforcement agencies would participate. Second, it is not known the extent of the powers that might be granted under such agreements.

There is potential, however, that local and state law-enforcement agencies could significantly increase their workloads, as well as the number of persons incarcerated in local and state correctional facilities, under such agreements. The Pew Hispanic Center has estimated the number of unauthorized immigrants living in the fifty states and the District of Columbia based on data from the Current Population Survey (CPS), a monthly survey conducted jointly by the U.S. Bureau of Labor Statistics and the Census Bureau. The Center's analysis of the March 2005 CPS revealed that there were an estimated 11.1 million unauthorized immigrants in the United States in 2005. Although precise estimates for each state could not be computed, the size of the unauthorized population in Virginia was projected to be between 250,000 and 300,000.

The Department of Corrections already has, under current law, authority to enter into contracts with the federal government to house federal prisoners in state correctional facilities.

9. Specific agency or political subdivisions affected:

Department of State Police
Sheriffs
Local police chiefs

10. Technical amendment necessary: None.

11. Other comments:

The bill would give the director of the Department of Corrections authority to receive into local correctional facilities persons committed under the authority of the federal government. Furthermore, the Department of Corrections would be paid by the federal government for the support of such prisoner. This would be a significant departure from the current situation under which sheriffs and regional jail superintendents are responsible for receiving persons committed to jails and the local and regional jails are paid by the federal government for housing offenders charged with violation of federal laws.

This bill is identical to HB 2926.

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