

Commission on Local Government

Estimate of Local Fiscal Impact
2008 General Assembly Session

Bill: HB 1395

Patron: Bell

Date: January 16, 2008

In accordance with the provisions of §30-19.03 – 30-19.03:1.1 of the Code of Virginia, the staff of the Commission on Local Government offers the following analysis of the above-referenced legislation:

I. Bill Summary

HB 1395 requires that the Department of State Police and local law enforcement agencies establish written policies and procedures regarding a law enforcement officer's response to incidents involving sexual assault. At a minimum, HB 1395 requires that such policies must provide guidance as to (i) the training that the agency's law enforcement officers receive on the dynamics of sexual assault cases and communication with victims of sexual assault; (ii) evidence collection and investigation of sexual assault cases; (iii) the authorization of forensic medical exams; (iv) transportation of sexual assault victims; (v) the provision of information on legal and community resources available to victims of sexual assault; (vi) collaboration with community service providers in responding to sexual assault cases; (vii) the use of criminal history record checks and polygraph examinations of victims and alleged offenders in sexual assault cases; and (viii) sexual assault incidents involving law enforcement officers. In addition, HB 1395 directs the Department of Criminal Justice Services (DCJS) to provide law enforcement agencies with technical support and assistance in developing the policies and procedures.

II. Fiscal Impact Analysis

The Commission on Local Government did not solicit nor did it receive estimates from any localities regarding the fiscal impact of HB 1395. However, the effect of the bill is to impose additional requirements on local law enforcement agencies by mandating that they develop policies and procedures regarding their officers' response to incidents involving sexual assault, albeit with technical assistance from DCJS. In addition, local law enforcement officers will need training as to the new policies and procedures.

III. Conclusion

While HB 1395 is expected to have a fiscal impact on all localities, these costs cannot be determined at this time. Under current law, Va. Code § 9.1-102 requires DCJS to establish training standards and publish a model policy for law enforcement personnel in the handling of family abuse, domestic violence, sexual assault and stalking cases. The fiscal impact of HB 1395 will depend on whether DCJS adopts a model policy that can be easily adapted and implemented in the localities and the extent to which local law enforcement officers will require training on the new policies and procedures as well as how such training is provided.