

Department of Planning and Budget 2009 Fiscal Impact Statement

1. Bill Number: SB1330

House of Origin	<u>X</u>	Introduced	<u> </u>	Substitute	<u> </u>	Engrossed
Second House	<u> </u>	In Committee	<u> </u>	Substitute	<u> </u>	Enrolled

2. Patron: Cuccinelli

3. Committee: General Laws and Technology

4. Title: Virginia Personnel Act; malfeasance in office; penalties; damages.

5. Summary: Provides that any person who willfully and knowingly discloses personal information, the disclosure of which is prohibited by law shall be guilty of malfeasance in office or employment. Upon conviction thereof, the judge or jury trying the case, in addition to any other fine or penalty provided by law, may order the forfeiture of such office or employment. In addition, the bill provides that (i) a person aggrieved by a violation shall be entitled to institute an action to recover actual damages or \$500, whichever is greater, for each violation and (ii) if the aggrieved party prevails, to be awarded reasonable attorney's fees and court costs. The bill specifies where court actions may be brought. The bill specifically provides that it applies to certain persons currently exempt from the provisions of the Virginia Personnel Act.

6. Fiscal Impact Estimates: Not Available

7. Budget Amendment Necessary: No

8. Fiscal Implications: This bill may have an impact on the court system in that it creates the potential for additional civil proceedings. However, it is difficult to estimate how many new cases would result and there is no specific basis to project a significant impact on courts' dockets.

9. Specific Agency or Political Subdivisions Affected: All state agencies and the court system.

10. Technical Amendment Necessary: No

11. Other Comments: No

Date: 1/23/2009 JDH

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cc: Secretary of Administration