

Department of Planning and Budget

2011 Fiscal Impact Statement

1. Bill Number: HB2332

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: Lingamfelter

3. Committee: Courts of Justice

4. Title: Arresting officer to ascertain citizenship of arrestee.

5. Summary: Supplements the existing law that requires sheriffs to make a query into legal presence when a person is 'taken into custody' at a jail. This bill expands such inquiries by requiring inquiries of everyone arrested, independent of whether they were taken into custody at a jail, and requires that an arresting officer inquire of every arrestee whether he (i) was born in a country other than the United States and (ii) is a citizen of a country other than the United States, and that if the person responds he was born in another country and is not a citizen of the United States, the officer shall make an immigration alien query to the Law Enforcement Support Center of the U.S. Immigration and Customs Enforcement and shall communicate the results of any immigration alien query to the Central Criminal Records Exchange of the Department of State Police in a format approved by the Exchange. The bill further provides that when a warrantless arrest is made and the law-enforcement officer finds probable cause to believe that the person is not legally present in the United States, he shall communicate to the judicial officer the facts and circumstances underlying his belief. If the judicial officer concurs in the determination of the officer and makes the further determination that the person will not appear for trial or hearing, the judicial officer may refuse to admit the person to bail.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See Item 8.

8. Fiscal Implications: According to the Department of State Police, the proposed legislation is not expected to have a fiscal impact.

Although insufficient data exists to determine the fiscal impact on local jail beds, the proposal could result in an increase in the jail population since additional individuals might be denied bail. Any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities \$4.00 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's FY2009 Jail Cost

Report (November 1, 2010), the estimated total state support for local and regional jails averaged \$33.01 per state inmate, per day in FY 2009.

9. Specific Agency or Political Subdivisions Affected: Department of State Police, Compensation Board, local law enforcement agencies, and local and regional jails.

10. Technical Amendment Necessary: No.

11. Other Comments: Similar to HB 1430.

Date: 1/21/2011

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