

Commission on Local Government

Estimate of Local Fiscal Impact
2012 General Assembly Session

Bill: HB 320 **Patron:** Ingram **Date:** January 20, 2012

In accordance with the provisions of §30-19.03 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

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, 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.

II. Fiscal Impact Analysis

The Commission on Local Government (CLG) received fiscal impact statements from 16 localities – the Counties of Campbell, Carroll, Prince William, Rappahannock, Spotsylvania, and York; the Cities of Chesapeake, Danville, Lynchburg, Radford, Richmond, Roanoke, and Winchester; and the Towns of Christiansburg, Hillsville, and Haymarket.

Seven of the respondents – the Counties of Carroll and Prince William; the Cities of Danville, Radford, and Winchester; and the Towns of Christiansburg and Hillsville – indicated that they do not anticipate any additional expenditure as a result of HB 320.

Prince William County already provides the service required by the bill. Their immigration policy (which goes beyond the provisions of HB 320) resulted in \$1.3 million in start-up costs for their police department. They also report between \$700,000 and \$750,000 in staffing, training, evaluation, and community event costs. The County indicates that senior police department staff has collectively spent thousands of hours planning and executing their implementation strategy, participating in community meetings, responding to community group inquiries and FOIA requests, and monitoring implementation.

The City of Danville reported that the potential exists for additional expenditure if the arresting officer has to take further steps in the event that the arrestee was born in a country other than the United States and is not a citizen.

The City of Radford indicated that placing this responsibility on the Sheriff's office would allow police officers to return to patrol.

Five of the respondents – the Counties of Campbell, Rappahannock, Spotsylvania, and York and the Town of Haymarket – reported that they would experience an additional expenditure of less than \$5,000.

Spotsylvania County stated that they would expect some overtime hours in the Sheriff's Office in order to complete necessary paperwork.

The remaining four respondents – the Cities of Chesapeake, Lynchburg, Roanoke, and Richmond – indicated that they would experience increased costs over \$5,000 as a result of this bill. The estimates ranged from a low of \$35,465 in the City of Lynchburg to a high of \$170,574 in the City of Roanoke. Listed below are the cost estimates:

Chesapeake City:	100,000
Lynchburg City:	35,465
Richmond City:	unknown
Roanoke City:	170,574

The City of Chesapeake assumes that the policy will identify approximately 150 persons annually who were not born in the United States. The City indicated that compliance with the provisions of HB 320 will require extra police time, and this could require them to hire additional officers.

The Cities of Lynchburg and Roanoke created an estimate that is a function of additional time required during an arrest, the number of arrests per year, and the hourly pay rate for the average police officer.

The City of Roanoke also indicated concerns regarding reduced staffing as arrests take more time and local enforcement officers enforcing immigration laws rather than criminal and traffic laws.

III. Conclusion

While HB 320 will impact law enforcement operations in all localities, the bill's local fiscal impact will vary depending on variables such as the jurisdiction's size, its number of law enforcement officers and the annual number of arrests that it experiences. The provisions of the bill will likely require additional working hours for local law enforcement, and some localities believe that they will need to hire additional law enforcement officers in order to comply with the provisions of bill.