

Department of Planning and Budget 2012 Fiscal Impact Statement

1. Bill Number: HB1060

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: Anderson

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. 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 finds probable cause to believe 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 below.

8. Fiscal Implications: The Department of State Police does not expect a fiscal impact due to the proposed legislation. The Compensation Board has not reported a fiscal impact on sheriffs with law enforcement responsibilities.

9. Specific Agency or Political Subdivisions Affected: State and local law enforcement agencies, Compensation Board.

10. Technical Amendment Necessary: No.

11. Other Comments: Similar to HB 958, HB 320 and HB 89.

Date: January 27, 2012

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