

Department of Planning and Budget 2013 Fiscal Impact Statement

1. Bill Number: HB1616

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: Gilbert

3. Committee: Courts of Justice

4. Title: Limitations on use of drone aircraft.

5. Summary: Provides that no state agency or organization having jurisdiction over criminal law enforcement or regulatory violations, including but not limited to the Department of State Police, nor any department of law enforcement of any city, county or town, shall procure a public unmanned aircraft system (drone aircraft) without the approval of the General Assembly or the local governing body, respectively. The bill requires a warrant for use of such an aircraft. The bill also provides that it is not unlawful for any law-enforcement officer or other public official to operate a public unmanned aircraft system and disclose personal information from such operation if such officer reasonably determines that an emergency situation exists that involves immediate danger of death or serious physical injury to any person. The bill also provides that it is not unlawful for a public institution of higher education to operate a public unmanned aircraft system solely for research or academic purposes. The bill also contains extensive procedural guarantees against release of personal information and contains reporting requirements by agencies and courts with respect to use of and data collected by such aircraft.

6. Budget Amendment Necessary: Yes; Item 389

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

8. Fiscal Implications: According to the Virginia Criminal Sentencing Commission, the proposal is likely to increase future prison bed space needs. However, since the number of additional felony convictions cannot be estimated at this time, the Commission is required to assign a \$50,000 fiscal impact (§ 30-19.1:4) to the proposal. The Commission also expects the number of offenders on community supervision to slightly increase. In addition, an impact on local adult bed needs may occur, but the magnitude of any such impact cannot be determined. Lastly, the Commission states that an impact on juvenile correctional and detention facilities may occur but cannot be determined.

Although insufficient data exists to determine the fiscal impact due to this proposal, the proposed legislation could result in an increase in the jail population since Class 1 misdemeanor outcomes result in sentences of up to 12 months in jail (and a fine up to

\$2,500). 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 FY2011 Jail Cost Report (November 1, 2012), the estimated total state support for local and regional jails averaged \$26.54 per state inmate, per day in FY 2011.

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

10. Technical Amendment Necessary: No.

11. Other Comments: Proposal will be impacted by passage of HB 2012, which places a moratorium on the use of unmanned aircraft until July 1, 2014.

Date: January 18, 2013

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