

Department of Planning and Budget

2015 Fiscal Impact Statement

1. Bill Number: HB2144

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: Cline

3. Committee: Courts of Justice

4. Title: Detention and removal of a citizen from the Commonwealth by the federal government.

5. Summary: The proposed legislation deals with the detention and removal by the federal government of Virginia citizens who were involved in the September 11, 2001 terrorist attacks or who have been involved in terrorist activities. The legislation would require the Virginia Secretary of Public Safety to request the U.S. Secretary of Defense to provide notification within 24 hours of any such detention to the Secretary of Public Safety and the chief law-enforcement officer of the locality in which such citizen is detained. Furthermore, the legislation would require that the Secretary of Public Safety request the U.S. Secretary of Defense to seek authorization from the chief law-enforcement officer of the locality in which such citizen is detained prior to removal of the citizen from the locality.

The legislation would require each Virginia cabinet secretary to submit to the Secretary of Finance copies of all memoranda of understanding (MOUs) entered into by the Commonwealth and agencies of the federal government. The Secretary of Finance would be required to publish these MOU on an annual basis.

Finally, the bill provides that, if any federal agency detaining any such citizen fails to provide the notifications specified in the bill, any funding to implement the MOUs with federal agencies would be contingent upon authorization by an act of the General Assembly in a subsequent year. The Governor may also order termination of any MOU at any time for noncompliance with this section.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications: There could be a cost to the Secretary of Finance to publish the MOUs with the federal government on an annual basis. However, it is unknown how many such documents exist, therefore, it is not feasible to provide an estimate of the cost associated with publication of MOUs.

The legislation could also have an impact on the funding and operations of some state agencies that receive federal funding if federal authorities detained and then removed a citizen from the

Commonwealth without providing the notice required by the bill. Should that happen, then the General Assembly could refuse to authorize funding to implement agency. MOUs with federal agencies, those operations that were being carried out through MOUs with federal agencies would be adversely affected.

It is not feasible at present time to project what effects on agency funding or operations such a circumstance could have.

9. Specific Agency or Political Subdivisions Affected: Secretary of Public Safety and Homeland Security, Secretary of Finance, Cabinet Secretaries, state agencies that have MOU with federal agencies.

10. Technical Amendment Necessary: Change title “The Secretary of Public Safety” to “The Secretary of Public Safety and Homeland Security” due to the recent reorganization of the cabinet secretariat’s functions.

11. Other Comments: None.

Date: 1/28/2015-HB2144.docx (LAJ)