

Department of Planning and Budget 2015 Fiscal Impact Statement

1. Bill Number: HB2206ER

| | | | |
|------------------------|---------------------------------------|-------------------------------------|--|
| House of Origin | <input type="checkbox"/> Introduced | <input type="checkbox"/> Substitute | <input type="checkbox"/> Engrossed |
| Second House | <input type="checkbox"/> In Committee | <input type="checkbox"/> Substitute | <input checked="" type="checkbox"/> Enrolled |

2. Patron: Campbell

3. Committee: Passed both houses

4. Title: Special conservators of the peace

5. Summary:

State law authorizes a circuit court judge, upon application of a sheriff or chief of police, a corporation, business owner, or museum to appoint special conservators of the peace. Special conservators of the peace have all the powers, functions, duties, responsibilities, and authority of law enforcement officers within the geographical limitations specified in the court order or on the real property of the applicant. The court may limit or prohibit the carrying of any weapons by a special conservator of the peace while within the scope of his employment.

The proposed legislation would amend the provisions regarding training requirements, applications, and appointment of special conservators of the peace. The primary provisions would:

1. Require that applicants for special conservators of the peace receive training at a criminal justice training academy or private security training school certified by the Department of Criminal Justice Services (DCJS). Currently, there is no specific requirement of where training must be obtained;
2. Require that any application include the results of a background investigation by a local or state law-enforcement agency, for which it may charge a reasonable fee;
3. Prohibit anyone who is required to register with the Sex Offender Registry, in addition to other offenses in current law, to be appointed a special conservator of the peace
4. Raise the training requirement for unarmed special conservators of the peace from 24 hours to 98 hours and, for armed special conservators of the peace, from 40 hours to 130 hours;
5. Authorize regional training academies to provide training for persons seeking appointment as special conservators of the peace;
6. Require the court, prior to entering an order of appointment of a special conservator of the peace, to provide a copy of the application to the local attorney for the Commonwealth and chief of police or sheriff for comment on whether the application should be granted;

7. Authorize the judge to revoke an appointment as special conservator of the peace for good cause shown, upon the filing of a petition by the attorney for the Commonwealth, sheriff, or chief of police for any locality the special conservator of peace is authorized to serve, or by the Department of Criminal Justice Services;
8. Provide that an appointment as special conservator of the peace would be eligible for suspension or revocation upon the conviction of several misdemeanor offenses or for any felony;
9. Require the Supreme Court of Virginia to establish judicial training regarding the use of application forms for the appointment of special conservators of the peace and the powers that may be granted to them;
10. Require the Office of the Executive Secretary of the Supreme Court to develop forms to be used for applications for appointment as a special conservator of the peace; and
11. Require all persons seeking appointment or reappointment as a special conservator of the peace to register with the Department of Criminal Justice Services.

The legislation would give any existing special conservator of the peace appointed under a court order in effect on July 1, 2015, 36 months to comply with the new training standards established by the legislation.

6. Budget Amendment Necessary: Yes. Item 242. The General Assembly did not include funding for the fiscal impact of this legislation in the budget bill it has passed.

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

Expenditure Impact:

| <i>Fiscal Year</i> | <i>Dollars</i> | <i>Fund</i> |
|--------------------|----------------|-------------|
| 2016 | \$52,324 | General |
| 2017 | \$46,971 | General |
| 2018 | \$48,043 | General |
| 2019 | \$0 | General |
| 2020 | \$0 | General |
| 2021 | \$0 | General |

8. Fiscal Implications:

There is one state agency that does utilize special conservators of the peace and thus would be affected by the legislation: the Virginia Museum of Fine Arts (VMFA). The museum employs 39 special conservators of the peace. It currently provides 65 hours of training to its officers. To provide an additional 65 hours of training over the next 36 months to comply with the legislation's maximum of 130 hours, VMFA's additional costs would include the actual expense of the additional training hours as well as additional overtime pay to cover shifts while currently employed officers were in training. The total estimated additional cost is shown in the table in Item 7. After FY 2018, all currently employed officers would be trained, but any newly hired officers would be subject to the additional

training hours required by the legislation. Additional resources might be needed in the future to cover these costs, but it is not feasible to determine the amount at this time.

9. Specific Agency or Political Subdivisions Affected: Courts, Department of Criminal Justice Services, Virginia Museum of Fine Arts

10. Technical Amendment Necessary: None

11. Other Comments: Same as SB1195

RMT/030315