

Department of Planning and Budget 2016 Fiscal Impact Statement

1. **Bill Number:** HB591

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Robert G. Marshall

3. **Committee:** Committee on Courts of Justice, Subcommittee Criminal Law

4. **Title:** Administrative subpoena; provider of electronic communication service or remote computing service.

5. **Summary:** Administrative subpoena; provider of electronic communication service or remote computing service; report. Provides that every attorney for the Commonwealth and the Attorney General shall report annually on the number of administrative subpoenas issued by each to obtain certain records and other information from electronic communication service and remote computing service providers if relevant to a law-enforcement investigation of certain pornography, abduction, and prostitution crimes. Such report shall include the specific crime being investigated, whether the existence of the administrative subpoena was disclosed to the person investigated, whether such person was charged with a crime, and the specific crime for which such person was convicted, if any.

6. **Budget Amendment Necessary:** No.

7. **Fiscal Impact Estimates:** Indeterminate.

8. **Fiscal Implications:** The provisions of the bill are not expected to create a cost to the Attorney General and Department of Law.

The Compensation Board indicates that the Commonwealth's Attorneys have not indicated they anticipate a significant fiscal impact, but would expect that it would be an additional administrative burden for which no specific fund source provides support. Staffing standards for Commonwealth's Attorneys are based upon workload specific to numbers of felon defendants and discrete felon sentencing events, and staffing standards for administrative support are based upon providing support for allocated attorney staffing, and not based upon individual administrative workload transactions in an office. In this sense, additional administrative requirements are not necessarily factored into a staffing formula, so a specific fiscal impact cannot be quantified. Given that current staffing standards indicate a funding need for an additional 130 attorneys and 47 administrative support positions statewide that is currently unmet, any additional administrative workload would add to unfunded statutorily assigned duties.

9. Specific Agency or Political Subdivisions Affected: Attorney General and Department of Law, Compensation Board, and localities.

10. Technical Amendment Necessary: No.

11. Other Comments:

Date: 2/4/16

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