

# Department of Planning and Budget

## 2016 Fiscal Impact Statement

**1. Bill Number:** HB875

**House of Origin**    ☒ Introduced    ☐ Substitute    ☐ Engrossed  
**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:** Hugo

**3. Committee:** Courts of Justice

**4. Title:** Disclosure of real-time location data in emergencies.

**5. Summary** The proposal provides that an investigative or law-enforcement officer may obtain real-time location data from an electronic communication service or remote computing service provider when the officer believes that an emergency involving immediate danger to a person requires such disclosure and a warrant for such disclosure cannot be obtained in time, regardless of whether the service provider also believes that such disclosure is required by the emergency. The bill also requires the Department of State Police to obtain and update on a semiannual basis the contact information of service providers authorized to do business in the Commonwealth and disseminate that information to all law-enforcement agencies.

**6. Budget Amendment Necessary:** Yes. Item 423.

**7. Fiscal Impact Estimates:** Tentative. See Items 7a and 8.

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2017	\$65,966	1	General Fund
2018	\$64,416	1	General Fund
2019	\$64,416	1	General Fund
2020	\$64,416	1	General Fund
2021	\$64,416	1	General Fund

**8. Fiscal Implications:** The proposed legislation will have a fiscal impact on the Department of State Police (Department) due to the additional duties proposed in the legislation. Specifically, one administrative program support technician will be needed for the High Technology Crimes Division to perform the additional duties under the proposed legislation. The cost of the position in the first year is \$65,966, and the second year is \$64,416 (the higher funding amount required in the first year includes one-time nonpersonnel costs). The Department cannot absorb the new responsibilities within existing resources. The position will be collecting data and administering the program.

While the proposal strikes paragraph E, 4, according to the Department, the service provider will still require written statement of facts that establishes the exigent circumstances requiring a disclosure of the real-time data prior to release to law enforcement.

The proposal also requires the Department to obtain contact information of all electronic communication and remote computing service providers licensed to conduct business in the Commonwealth, and disseminate such updated information to all law enforcement agencies in Virginia on a semiannual basis. There are numerous electronic communications and remote computing service providers in the Commonwealth. Many of these businesses have

regional/local offices covering particular areas and the contact for one office may not be able to provide needed information or service in other regions.

Additionally, according to the State Corporation Commission (SCC), they do not keep records of remote computing service providers or cellular telephone carriers, only local and long distance companies. The Department will also have to track new business that come into Virginia and those that leave or merge with other companies. Further, these providers dictate how they are to be contacted. All of these things combined will have operational impact on the Department; therefore one full-time position will be required.

**9. Specific Agency or Political Subdivisions Affected:** Department of State Police, and local law enforcement agencies.

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** None.

**Date:** 1/20/2016-HB206.doc (LAJ