

Department of Planning and Budget 2016 Fiscal Impact Statement

1. Bill Number: SB727

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

2. Patron: McDougle, R.

3. Committee: General Laws and Technology

4. Title: Virginia Freedom of Information Act; public access to noncriminal records.

5. Summary: Clarifies public access to noncriminal records maintained by public bodies engaged in criminal law-enforcement activities. The bill reverses an April 2015 Virginia Supreme Court decision in Fitzgerald v. Loudoun County Sheriff's Office, which held that a noncriminal record must be a compilation in order for the exemption for noncriminal records to apply. The bill was also the subject of a Virginia Freedom of Information Advisory Council opinion (AO-08-15) concerning this exemption, which highlighted the need for clarification of this exemption based on the Fitzgerald case.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: No fiscal impact.

8. Fiscal Implications: None.

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

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 1/27/16