

## **Department of Planning and Budget**

### **2016 Fiscal Impact Statement**

**1. Bill Number:** SB727

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

**2. Patron:** McDougle, R.

**3. Committee:** Passed Both Houses

**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:** Incorporates SB676.

**Date:** 2/23/16