

Department of Planning and Budget 2017 Fiscal Impact Statement

1. Bill Number: HB 2043

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

2. Patron: Miller

3. Committee: General Laws

4. Title: Identifying information of a law-enforcement officer

5. Summary:

The proposed legislation would prohibit the release by any public official or public employee of any law-enforcement officer's identifying information during an investigation of the discharge of a firearm or use of force by such officer during the performance of his or her official duties, provided that, if the investigation is not concluded within six months, the law-enforcement's name shall be released to the public. However, as long as the law-enforcement officer has not been charged, his or her name may be withheld from release if the information can reasonably be expected to create a risk of harm to the law-enforcement officer or a family or household member of the law-enforcement officer.

After the investigation is completed, the proposed legislation would require the law-enforcement officer's name to be publicly released if the law-enforcement officer is charged with a criminal offense as a result of the investigation. If the law-enforcement officer is not charged with a criminal offense, his or her name may be released.

A violation of the provisions of the proposed legislation would be a Class 1 misdemeanor.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications:

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Ultimately, the presiding judge will decide if there is to be any time served in jail; however, any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds most of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the

Compensation Board's most recent Jail Cost Report (November 2016), the estimated total state support for local jails averaged \$32.82 per inmate, per day in FY 2015.

9. Specific Agency or Political Subdivisions Affected:

Department of State Police
Department of Alcoholic Beverage Control
Department of Game and Inland Fisheries
Virginia Lottery
Department of Marine Resources
Department of Conservation and Resources
Department of Motor Vehicles
Counties, cities, and towns
Sheriffs
Higher education institutions

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 1/16/2017