

Department of Planning and Budget 2017 Fiscal Impact Statement

1. Bill Number: HB 2062

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

2. Patron: Mullin

3. Committee: Militia, Police and Public Safety

4. Title: Municipal park rangers

5. Summary:

Municipal park rangers who have completed training at an approved criminal justice training academy are, under current law, deemed conservators of the peace. The proposed legislation would provide that they be considered law-enforcement agents in the following circumstances:

- Possession of controlled substances or marijuana when such possession is necessary in the performance of their duties;
- Obstruction of justice;
- Providing false reports;
- Escape from custody;
- Making arrests;
- Issuance of summons;
- Dissemination of criminal history information;
- Disregarding signals;
- Exemption from traffic regulations; and
- Use of flashing blue lights.

Under current law, violation of several of the statutes, which would be expanded to include municipal park rangers, is a criminal offense, as follows:

- Obstruction of justice—Class 1 misdemeanor, except that any violation involving threat of bodily harm or force in relation to certain drug, gang, of violent offenses is a Class 5 felony.
- Making a false report—Class 1 misdemeanor;
- Escape from custody—Class 1 misdemeanor, except, if done by force, it is a Class 6 felony.
- Disregarding a signal—Class 2 misdemeanor; however, if the behavior endangers another person, it is a Class 6 felony and, if an officer is killed in a pursuit, it is a Class 4 felony.

The proposed legislation also explicitly provides that all sworn municipal park rangers must complete training at an approved criminal justice training academy to be eligible for appointment or employment. Furthermore, the legislation would require the employer of municipal park rangers to provide the Department of Criminal Justice Services verification that its park rangers, hired after July 1, 1994, have met the minimum standards.

6. Budget Amendment Necessary: Yes. Item 394.

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

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2018	\$50,000	General
2019	\$0	
2020	\$0	
2021	\$0	
2022	\$0	
2023	\$0	

8. Fiscal Implications:

Code sections with the following penalties would be expanded to include a municipal park ranger:

- Class 2 misdemeanor—up to 6 months in jail;
- Class 1 misdemeanor—up to 12 months in jail;
- Class 6 felony—up to 12 months in jail or 1 to 5 years in prison;
- Class 5 felony—up to 12 months in jail, or 1 to 10 years in prison; and
- Class 4 felony –2 to 10 years in prison.

Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

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 misdemeanor or otherwise local responsible prisoner held in a jail and \$12.00 a day for each state responsible inmate. It also funds a considerable portion 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.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 780 of the 2016 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to the bill.

The proposed legislation would require that DCJS maintain records of municipal park rangers that have completed the minimum training standards. This requirement should have a minimal fiscal impact on the agency.

9. Specific Agency or Political Subdivisions Affected:

Department of Corrections
Department of Criminal Justice Services
Local and regional jails

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 1/31/2017