

Department of Planning and Budget 2017 Fiscal Impact Statement

1. Bill Number: SB957

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: Locke

3. Committee: Courts of Justice

4. Title: Recordings; destruction or seizure by a law-enforcement officer.

5. Summary: Prohibits any law-enforcement officer from interfering with, damaging, destroying, or seizing another person's recording or recording device, provided that such recording or recording device is lawful and does not interfere with the duties of a law-enforcement officer. The bill provides that a violation of this prohibition is a Class 1 misdemeanor. The bill exempts any seizure or alteration of a recording or recording device by a law-enforcement officer with the permission of the person who possesses the recording or recording device, when the law-enforcement officer reasonably believes that seizure is necessary to prevent the destruction of evidence, pursuant to a lawful court order, or in accordance with state or federal law.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Indeterminate. See below.

8. Fiscal Implications: The proposed legislation creates a Class 1 misdemeanor for violation of its provisions. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail, a fine up to \$2,500, or both. 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: Local law enforcement agencies, courts, and local and regional jails, courts.

10. Technical Amendment Necessary: No.

11. Other Comments: None.