

Fiscal Impact Review

2018 General Assembly Session

Date: February 27, 2018

Bill number: HB 1246 (Engrossed) Identity Theft Passport: police reports submitted to the Attorney General

Review requested by: Chairman Obenshain, Senate Courts of Justice

JLARC Staff Fiscal Estimates

JLARC staff concur with the fiscal impact statement prepared by the Department of Planning and Budget that HB 1246 would not have a fiscal impact. HB 1246 provides that, for purposes of filing for an Identity Theft Passport, individuals may submit a police report to the Office of Attorney General (OAG) as evidence of identity theft. HB 1246 would likely increase number of applications for Identity Theft Passports. However, based on the experience of other states, the OAG would be able to absorb the increase in workload with existing resources.

An explanation of the JLARC staff review is included on the pages that follow.

Authorized for release:



Hal E. Greer, Director

Bill summary

HB 1246 provides that, for purposes of filing for an Identity Theft Passport with the Office of Attorney General (OAG), an individual may use a police report as evidence of identity theft. Current law allows that a court order requiring expungement of an individual's record may be filed with the OAG for this purpose. Under HB 1246, either a police report or a court order could be filed with the OAG to obtain an Identity Theft Passport.

According to OAG staff, under current law the OAG has the authority to issue Identity Theft Passports based on referrals from law enforcement entities, and in some circumstances, the OAG already issues Identity Theft Passports without a court order.

Fiscal implications

JLARC staff concur with the DPB fiscal impact statement that HB 1246 would not result in a fiscal impact. The fiscal impact is estimated using two assumptions, which are based on the experiences of other states: (1) that HB 1246 would likely result in an increase in applications for Identity Theft Passports and (2) that the OAG should be able to absorb the increase in workload without additional staff. The second assumption is consistent with indications by OAG staff that the agency would be able to absorb the increase in workload resulting from HB 1246.

Identity Theft Passport Programs in Virginia and other states

Most states with Identity Theft Passport Programs allow individuals to file for a passport using a police report as evidence of identity theft. At least two states (Mississippi and Oklahoma) currently allow individuals to file using either a court order for expungement or a police report, similar to HB 1246. Nearly all applications for passports in these states are submitted using a police report.

In Iowa and Maryland, 59 applications are processed annually, on average (Table 1). Each state has one staff member who processes applications, but neither state dedicates staff exclusively to this purpose; staff have other responsibilities as well as processing Identity Theft Passports.

The Virginia OAG processed an average of 113 applications annually between 2014 and 2017. Four staff members were available to process applications, for an average of 28 passports per staff member per year. As in other states, these staff members have other responsibilities outside of the Identity Theft Passport Program.

TABLE 1
Identity Theft Passport Applications and Staffing

	Avg. # of applications per year	# of staff	# of applications per staff
Iowa	67	1	67
Maryland	50	1	50
Mississippi	N/A	2	N/A
Average Across Other States	59	1.3	59
Virginia	113	4	28

SOURCE: Iowa Attorney General's Crime Victim Assistance Division (CVAD) Annual Report (State Fiscal Years 2014-2017) and Iowa Attorney General's Office, Maryland Attorney General's Office, Mississippi Attorney General's Office, Virginia Office of Attorney General.

NOTE: Iowa: average based on number applications from FY14 – FY17; Maryland: approximate number of applications estimated by staff; Mississippi did not report caseload; Virginia: average based on the number of applications from FY14-FY17. Oklahoma was not included because only approximately 10 passports have been issued since the program's inception in 2004. According to staff at the Oklahoma Bureau of Investigations, this is because a high burden of information is required to apply for an Identity Theft Passport in Oklahoma.

Virginia would likely experience an increase in applications for Identity Theft Passports under HB 1146, but the OAG could absorb the workload increase

Virginia would likely experience an increase in applications for Identity Theft Passports under HB 1246. (This assumption is based on the experiences of Iowa and Maryland; Virginia has a higher population than either of these states, so the estimated increase in applications is adjusted for population.) Virginia OAG would process an estimated 125 applications per year if HB 1246 were enacted (compared to the 113 cases it currently processes annually). Assuming the average caseload per staff in other states, it is estimated that the Virginia OAG would need two staff members (on a part-time basis) to process the total estimated applications under HB 1246. The OAG already has four staff members available for this purpose, so the increase in caseload appears to be well within the range of current resources.

This review is not meant to comment on whether the Virginia OAG has too many or too few staff in general. As with other states, the Virginia OAG does not assign staff exclusively to the Identity Theft Passport Program.

TABLE 2
Estimated Identity Theft Passport applications and staffing needs under HB 1246

Estimated potential applications per year	125
Average applications per staff	59
Estimated total # of staff needed	2
<i># of staff currently available in Virginia</i>	4

NOTE: Estimates are based on experience of other states.

Budget amendment necessary? No

Agencies affected: Office of Attorney General

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