

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: SB1687

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: McClellan

3. Committee: Senate Committee for Courts of Justice

4. Title: Bail data collection and reporting standards and requirements.

5. Summary: The proposed legislation requires the Department of Criminal Justice Services to (i) collect data relating to bail determinations for any person who is held in custody pending trial or hearing for an offense, civil or criminal contempt or otherwise, in every locality; (ii) create a uniform reporting mechanism for criminal justice agencies to submit such data; and (iii) submit an annual report on the data collected to the Governor and the General Assembly, as well as publish the annual report on the Department's website. The bill also provides that the law addressing bail is to be construed so as to give effect to a general presumption in favor of pretrial release.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Indeterminate (see Item 8 below).

8. Fiscal Implications: Currently, the Department of Criminal Justice Services (DCJS) does not collect the information required by the proposed legislation. According to DCJS, compliance with the proposed legislation would entail either the development of a data-sharing platform to collect and analyze the mandated data elements from relevant data stewards or the development of a new database system for the entire criminal justice system to use and access in order to input the necessary data at each step in the criminal justice process. DCJS reports that it is unable to determine the cost of either option at this juncture, without further detailed input from all stakeholders in the criminal justice system, but also believes that the fiscal impact of either type of system would be significant.

DCJS reports that a similar data-sharing and analytic platform recently developed by the agency for a pilot-program in part of the state, which aggregated data from several entities (health care, substance and addiction treatment, and law enforcement), had a cost of \$255,400. DCJS believes that based on this information, the type of solution necessary for statewide application, as required by this bill, would cost a minimum of approximately \$1,000,000. In addition, DCJS believes that the ongoing costs of storing the necessary data, as well as coordinating efforts among stakeholders and ensuring the accuracy of information would be costly, as estimate ranging from \$400,000 to \$800,000 for annual licensing fees and costs to maintain and house the data range. However, until the agency is able to determine if a data-sharing platform that retrieves the mandated data elements from each data

steward is the best alternative to collect and analyze the necessary information, or whether it is preferable that a new database system is implemented for the use of the entire criminal justice system, the precise cost cannot be determined at this time.

The proposed legislation could also have a fiscal impact on the Office of the Executive Secretary of the Supreme Court of Virginia (OES), based on the following factors: (i) the breadth of the new information sought as a result of the proposed legislation, and the resulting impact on judges, magistrates, and clerks to collect the information required; (ii) the inability of the current case management systems to produce some of the requested data; (iii) the reprogramming of the case management systems that will be required; and (iv) the support that will need to be provided by personnel to DCJS in order to accurately capture the necessary information. However, the OES is unable to estimate the cost at this time due to an inability to determine to what extent any of the factors noted above will be applicable.

Any fiscal impact as a result of the proposed legislation on local jails, local law enforcement, the Virginia Department of State Police, and the Department of Corrections, is indeterminate.

- 9. Specific Agency or Political Subdivisions Affected:** The Department of Criminal Justice Services; Office of the Executive Secretary of the Supreme Court of Virginia; Compensation Board.

10. Technical Amendment Necessary: No

11. Other Comments: None