

Department of Planning and Budget

2020 Fiscal Impact Statement

1. Bill Number: HB1150H1

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

2. Patron: Lopez

3. Committee: Courts of Justice

4. Title: Inquiry and report of immigration status; persons charged with or convicted of certain crimes.

5. Summary: Removes a provision requiring an intake officer to report to the Bureau of Immigration and Customs Enforcement of the U.S. Department of Homeland Security a juvenile who has been detained in a secure facility based on an allegation that such juvenile committed a violent juvenile felony and who the intake officer has probable cause to believe is in the United States illegally. The bill also repeals § 19.2-83.2 (requiring jail officers to ascertain the citizenship status of an inmate); § 19.2-294.2 (requiring probation and parole officers to inquire as to the citizenship status of a person convicted of a felony in circuit court and referred to such officers); § 53.1-218 (requiring officers in charge of correctional facilities to inquire as to the citizenship status of any person committed to a correctional facility); and § 53.1-219 (concerning the duty of clerks of court to furnish a certified copy of various documents pertaining to the case of a convicted person who is in the country illegally to a U.S. immigration officer).

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See below.

8. Fiscal Implications: This bill removes provisions requiring jail officers, probation and parole officers, and correctional officers to inquire as to the citizenship status of certain persons in their custody or under their supervision. The bill also removes provisions requiring the clerk of court to furnish the case documents pertaining to the conviction of a person in the country illegally to a U.S. immigration officer, and requiring an intake officer to report a juvenile in a secure facility who is alleged to have committed a juvenile violent felony to the Bureau of Immigration and Customs Enforcement of the U.S. Department of Homeland Security if he has probable cause to believe the juvenile is in the United States illegally.

The Department of State Police (VSP) administers the Central Criminal Records Exchange (CCRE), which is the Commonwealth's central repository for criminal records. Under current law, jail officers, correctional officers, and probation and parole officers are required to make reports to the CCRE regarding the citizenship status of persons in their custody or under their supervision. This bill removes the requirement that they make such reports.

According to VSP, there is no anticipated fiscal impact on agency operations as a result of the provisions of the proposed legislation.

There is no anticipated fiscal impact on the Department of Juvenile Justice or Sheriffs as a result of the provisions of this bill. Any fiscal impact on the Department of Corrections or Local and regional jails is indeterminate at this time.

The impact on local law enforcement agencies cannot be determined at this time.

- 9. Specific Agency or Political Subdivisions Affected:** Department of State Police, Department of Corrections, Department of Juvenile Justice, local law enforcement agencies, Local and regional jails.

- 10. Technical Amendment Necessary:** No.

- 11. Other Comments:** None.