

Commission on Local Government

Estimate of Local Fiscal Impact

2020 General Assembly Session

Bill: HB816

Patron: Hope

Date: 1/22/2020

In accordance with the provisions of §30-19.03 of the Code of Virginia, the staff of the Commission on Local Government offers the following analysis of the above-referenced legislation:

Bill Summary:

Department of Criminal Justice Services; criminal cases; data collection and reporting standards; report. Requires the Department of Criminal Justice Services (the Department) to create uniform reporting mechanisms for appropriate criminal justice agencies in every locality to collect data relating to criminal defendants, alleged criminal offenses, bail determinations, and sentencing in criminal cases in the Commonwealth. The bill provides that collected data shall be disaggregated by locality and by individual, and that in order to maintain anonymity of the individual, localities shall use a unique identifier to identify each individual. The bill sets out the minimum data the Department is required to collect. The bill requires the Department to submit an annual report on the data collected to the Governor and the General Assembly on or before December 31 and requires that the annual report be posted on the General Assembly's and the Department's website.

~~~~~

### Executive Summary:

Localities have evaluated a negative fiscal impact ranging from \$0.00 - \$25,000.00. Most of the localities responded that the cost of the bill is indeterminate, but would be significant related to staff supporting the courts/clerks, and the commonwealth attorney's office. They noted that they do not have the staff to collect and send the information, and need additional information regarding the reporting requirements, including whether the reporting requirement is paper based or online. One locality noted that the bill would not directly impact them as they are small town, and the impact would be at the county court level. Only two localities responded with a cost, and one of them noted that the bill would create additional workload to the deputy court clerk in the court system, but that such cost may be covered in future deputy clerk staffing standards that may be funded in this biennium's budget. Accordingly, this locality also made note of a budget amendment by this bill patron to create the reporting system, which means there may not be local costs if the budget amendment is approved. The other locality provided a ballpark estimate with no justifications for their estimate, but noted the requirement of the bill would be an unfunded mandate with another reporting requirement.

\*\*\*\*\*

### Local Analysis:

**Locality:** City of Danville

**Estimated Fiscal Impact:** \$0.00

This bill looks like it would require DCJS to create a data collection system. This would possibly impact our costs supporting the courts/Clerk of Court function and what type of reporting system DCJS creates. Would need additional information on the type of collection system (paper, online?) to accurately estimate.

~~~~~

Locality: City of Roanoke

Estimated Fiscal Impact: \$0.00

Though the estimated fiscal impact is being listed as \$0, in fact if this bill is passed, there willd be significant impact to our Commonwealth Attorney's Office. The Virginia Association of Commonwealths Attorneys is opposed to this bill primarily because their Offices do not have the staff that would be required to collect and send the information. It is going to be an expensive proposition for the State. Unfortunately, our Commonwealth Attorney could not supply a \$ figure.

Locality: City of Virginia Beach

Estimated Fiscal Impact: \$25,000.00

The "appropriate criminal justice agencies" referred to in this bill are part of the Commonwealth's Judicial Department. Therefore, any requirements imposed by this bill should be funded through Commonwealth funding allocations. We anticipate that the work would be performed by deputy clerks in the court system; as such, we anticipate that the workload this bill may create would be included in future deputy clerk staffing standards, including in the distribution of additional deputy clerks that may be funded in this biennium's budget. If this does not occur, it is possible there could be fiscal impacts to the locality for contracted manpower positions, which is the amount listed above. We note that the patron has requested a budget amendment of \$100,000 for DCJS to create the reporting system so costs of the system should not be borne at the local level either.

Locality: City of Winchester

Estimated Fiscal Impact: \$25,000.00

As an agency an RMS system would have to generate this system for a unique identifier and what information is to be collected. The state collects the IBR data now they just need to figure out how to use that data. I see this being unfunded mandates galore and another reporting requirement.

Locality: Prince Edward County

Estimated Fiscal Impact: \$0.00

Unable to calculate the amount of fiscal impact

Locality: Town of Scottsville

Estimated Fiscal Impact: \$0.00

It appears that small-town police departments would not be directly affected with a compliance cost. Reporting coordination would be at the county court level, in coordination with DCJS.