

## **Department of Planning and Budget**

### **2020 Fiscal Impact Statement**

**1. Bill Number:** HB897

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

**2. Patron:** Guzman

**3. Committee:** Education

**4. Title:** School resource officers; memorandums of understanding.

**5. Summary:** The bill requires that the required memorandum of understanding (MOU) entered into by a local school board and local law-enforcement agency concerning the use of school resource officers (SRO) be consistent with the model memorandum of understanding developed by the Virginia Center for School and Campus Safety. The bill requires that the model memorandum contain provisions that prohibit school resource officers from (i) conducting a search of a student's person or property while on school property unless such resource officer has probable cause to conduct such a search and either has a judicial warrant authorizing the search or has identified exigent circumstances necessitating a warrantless search; (ii) participating in any request for assistance from a federal agency without a subpoena or warrant; (iii) inquiring as to whether a student was born in a country other than the United States or is a citizen of a country other than the United States, unless such inquiry is in connection with an kidnapping or extortion investigation; and (iv) absent exigent circumstances, questioning any student without prior notification to the parent or guardian of such student's right to refuse to be questioned or searched. The bill also provides that the model memorandum of understanding shall contain provisions regarding the use of translators or appropriate guardians to assist students in responding to questions from a school resource officer. The bill requires each such school board and local law-enforcement agency to review the memorandum of understanding every four years or at any time upon request of either party. The bill provides that such memorandum shall be made available for public review and comment at least 30 days prior to its adoption. The bill also redefines school resource officer to specifically prohibit a school resource officer from investigating or enforcing violations of school board policies, including student conduct codes. Finally, the bill requires local school boards to develop an independent and confidential complaint, investigation and resolution process for alleged misconduct by school resource officers.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** Preliminary. See Item 8.

**8. Fiscal Implications:** The Department of Criminal Justice Services is currently developing SRO training standards in accordance with § 9.1-102(54) (HB2609, 2019), which already incorporate this proposed bill's § 9.1-184(12). As for the updates to the model MOU in the proposed § 9.1-184(13), this work can be accomplished by current agency staff and the

School-Law Enforcement Partnership Advisory Committee that the Department convened to update the model MOU this year.

Any fiscal implications on local school divisions from this bill are indeterminate.

**9. Specific Agency or Political Subdivisions Affected:** Department of Criminal Justice Services, local school divisions, local law enforcement agencies

**10. Technical Amendment Necessary:** No

**11. Other Comments:** HB 1135 appears to be identical to this bill.