

Department of Planning and Budget

2020 Fiscal Impact Statement

1. Bill Number: SB491S1

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Surovell

3. Committee: Senate Committee on the Judiciary

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

5. Summary: Currently, an intake officer is required to report to the Bureau of Immigration and Customs Enforcement (ICE) juveniles who have been detained in a secure facility based on allegations that the juvenile committed a violent juvenile felony and who the intake office has probable cause to believe is in the United States illegally.

The bill amends the requirement and provides that a clerk of the court must make such report regarding a juvenile who has been detained in a secure facility, but only upon an adjudication of delinquency or finding of guilt for a violent juvenile felony and when there is evidence that the juvenile is in the United States illegally.

The bill also amends §§19.2-83.2 and 53.1-218. Currently, when a person is taken into custody at any jail, or is committed to a correctional facility, the Director of the Department of Corrections (DOC) or Sheriff is required to inquire the immigration status of the offender and make inquiry to the ICE regarding citizenship of the person.

The bill amends these sections and limits such inquiries to felony offenses.

6. Budget Amendment Necessary: Indeterminate

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

8. Fiscal Implications: Currently, the agency receives a federal grant from the Bureau of Justice Assistance (BJA). BJA administers the State Criminal Alien Assistance Program (SCAAP) in conjunction with the ICE. SCAAP provides funding to states and localities to offset the costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law, when they have incarcerated for at least four consecutive days.

The agency was awarded \$1,337,934 in SCAAP funding in 2018 and \$1,474,454 in 2019. The DOC typically uses SCAAP funding to offset offender healthcare expenses.

DOC reports that beginning this year, in order to apply for the annual SCAAP allocation, DOC, in conjunction with the Attorney General must certify that Virginia laws and policies comply with various federal sections of code regarding immigration reporting. According to the DOC, the impact of the legislation on its current BJA grant award is unknown.

The Department of Juvenile Justice reports that the bill is not expected to have a fiscal impact on the agency's operation.

The impact on the local law enforcement agencies is unknown at this time.

- 9. Specific Agency or Political Subdivisions Affected:** Local law-enforcement agencies; Clerk of the Courts; Department of Corrections; Department of Juvenile Justice; local and correctional facilities.

10. Technical Amendment Necessary: No.

11. Other Comments: None