Department of Planning and Budget
2020 Fiscal Impact Statement

1. **Bill Number:** HB5081

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

2. **Patron:** Price

3. **Committee:** Committee on Public Safety

4. **Title:** Civilian deaths in custody; report.

5. **Summary:** The proposed legislation requires every law-enforcement agency and correctional facility to report to the Department of Criminal Justice Services (DCJS) certain information regarding the death of any person who is detained, under arrest or in the process of being arrested, en route to be incarcerated, incarcerated, or otherwise in the custody of such law-enforcement agency or correctional facility. The proposed legislation also provides that any law-enforcement agency or correctional facility that fails to comply may, at the discretion of DCJS, be declared ineligible for state grants or funds.

   The proposed legislation also requires DCJS to analyze the submitted data to: (i) determine the means by which such information can be used to reduce the number of such deaths and (ii) examine the relationship, if any, between the number of such deaths and the actions of management of such law-enforcement agencies and correctional facilities. The proposed legislation also requires the Director of DCJS to report annually the findings and recommendations resulting from the analysis and interpretation of the data to the Governor, the General Assembly, and the Attorney General beginning on or before July 1, 2022, and each July 1 thereafter.

6. **Budget Amendment Necessary**: Yes, Item 404.

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

8. **Fiscal Implications:** The bill provides that any local or state law-enforcement agency or correctional facility that fails to comply with the requirements of this legislation may, at the discretion of Department of Criminal Justice Services (DCJS), be declared ineligible to receive state grants or funds. Currently, Chapter 1289, 2020 Acts of Assembly, provides hundreds of millions of dollars in general fund support for state and local law enforcement and correctional activities. Additionally, DCJS provides grants to various law enforcement agencies, including state match for federal grants for the victim witness program to the Department of Corrections.

   It is not clear how the provision to declare an entity ineligible to receive state grants or funds translates to the authority to withhold payment otherwise authorized by the Appropriation

Act. Generally, the provisions of the Appropriation Act supersede any conflict with other provisions of law.

Further, it is not clear how far the declaration of ineligibility is intended to reach as it relates to funds provided directly to an affected state agency other than DCJS or through an agency other than DCJS such as the Compensation Board. The programs that are supported by funding for local and state law-enforcement and correctional entities could be impacted if DCJS uses its discretion to withhold funds for reporting noncompliance.

DCJS reports that it will require an additional position in order to carry out the responsibilities outlined in the proposed legislation. Specifically, DCJS states that a program manager with the requisite subject matter expertise will be necessary, in order to analyze the required data and produce the subsequent assessments.

This analysis includes the determination of how the number of deaths could be reduced and the determination of the relationship, if any, between management actions and such deaths. DCJS estimates, based on similar positions at the agency, that the cost for this position would be $122,405 annually for salary and benefits (of which $72,000 is for salary). The current year cost, prorated for 10 months, is expected to be $102,087.

9. **Specific Agency or Political Subdivisions Affected:** Department of Criminal Justice Services, state and local law-enforcement and correctional entities.

10. **Technical Amendment Necessary:** No.

11. **Other Comments:** None.