

Department of Planning and Budget 2021 Fiscal Impact Statement

1. Bill Number: HB2163H1

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: Tran

3. Committee: Appropriations

4. Title: Department of Motor Vehicles; privileged information.

5. Summary: This bill limits the release of Department of Motor Vehicles (DMV) privileged information to government entities and law-enforcement agencies for the purpose of civil immigration enforcement unless (i) the subject of the information provides consent or (ii) the requesting agency presents a lawful judicial order, judicial subpoena, or judicial warrant. The bill requires the DMV to notify the subject of the request that such a request was made and the identity of the entity that made the request. The bill requires any entity receiving privileged information from the DMV to enter into a written agreement with the DMV prior to such release of such information and prohibits any entity from rereleasing any such DMV information to any third party unless explicitly permitted to do so in the entity's agreement with the DMV. The bill contains requirements for any such written agreement between the DMV and the Department of State Police.

6. Budget Amendment Necessary: Yes. Item 425.

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

8. Fiscal Implications: The mandates of this legislation will require modifications to Virginia State Police's Virginia Criminal Information Network (VCIN). The estimated cost of these modifications is \$100,000. The agency will have to modify the VCIN switch, which is vendor-supported, to ensure that entities that perform civil immigration enforcement do not have access to DMV records for civil immigration purposes

This bill proposes two major categories of changes to the Department of Motor Vehicles' (DMV) release of information statute.

The first category of changes prohibits the release of DMV data to government entities, including law-enforcement, for the purpose of enforcing civil immigration law. DMV does not currently have an agreement to release data for this purpose. The bill prohibits the release of that data altogether unless the requestor presents a judicial order, subpoena, or warrant or the subject of the information consents to the release. The legislation requires DMV to send notice to the subject of the information if their data is released for the purpose of civil immigration. In addition, DMV is prohibited from permitting the rerelease of its data for the purpose of civil immigration enforcement.

The second category of changes governs the process by which the agency releases information. DMV is currently permitted to enter into information sharing agreements, but is not required to have a written agreement prior to release. The bill requires a written agreement prior to the release of data unless the requestor is the subject of the information, the requestor submits the request on a form certifying that he or she is entitled to receive the information and the data will only be used for the purpose that the data is requested for, or the information needs to be released to law enforcement in an emergency situation.

The majority of the bill's provisions reflect DMV's current release of information process or reflect the provisions that are currently included in its use agreements. Any provisions that change the release process or change the provisions included in use agreements can be easily accommodated without a fiscal impact to the agency.

9. Specific Agency or Political Subdivisions Affected: Virginia State Police; Department of Motor Vehicles.

10. Technical Amendment Necessary: No.

11. Other Comments: None.