

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: SB1046

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: McPike

3. Committee: General Laws and Technology

4. Title: Definition of law-enforcement officer; fire marshal with police powers.

5. Summary: Provides that fire marshals who have been appointed with police powers are included in the definition of law-enforcement officer that applies in numerous applications in the Code.

6. Budget Amendment Necessary: No; see Item 8.

7. Fiscal Impact Estimates: Preliminary; see Item 8.

8. Fiscal Implications: No impact is expected to the Virginia Department of Fire Programs.

According to the Virginia Retirement System, fire marshal positions are currently covered under LODA to the extent that the fire marshal is a member of an eligible fire department or company. In smaller localities the function may be covered by someone who wears multiple hats and is not in the fire department. Those localities would need to report such individuals for LODA and pay the \$830 (for FY 2024) premium per eligible employee.

It is unclear whether deputy or assistant fire marshals appointed pursuant to § 27-36, Code of Virginia, would be included in the definition of law-enforcement officer proposed in the bill. If deputy or assistant fire marshals are not included in the definition, then the willful, deliberate, and premeditated killing of deputy or assistant fire marshals would be removed from the offenses constituting aggravated murder punishable by a Class 1 felony in § 18.2-31, Code of Virginia. Any potential impact of such a change would be indeterminate.

9. Specific Agency or Political Subdivisions Affected: Virginia Retirement System, localities

10. Technical Amendment Necessary: No

11. Other Comments: None.