

## Department of Planning and Budget 2001 Fiscal Impact Statement

**1. Bill Number** HB2503

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

**2. Patron** Robinson

**3. Committee** Militia and Police

**4. Title** Racial Profiling and Traffic Statistics Reporting Act; study on data.

5. **Summary/Purpose:** Requires each local and state police officer, during the course of his official duties, to collect certain information pertaining to traffic stops, including the age, race, color, ethnicity, and gender of persons who allegedly have committed traffic violations, and to record the specific reason for the stop, whether the person was interrogated, charged or arrested, and whether a warning or written citation was issued. Police officers must also indicate the specific traffic violation committed. Police officers participating in the collection of such traffic data and information have been granted civil immunity for acts and omissions resulting from the performance of their official duties, absent gross negligence or willful misconduct. The bill also requires the development of an uniform statewide system and database collecting, correlating, analyzing, interpreting, and reporting data and information generated through such traffic stop reports, to determine whether a disproportionate number of minority persons are subjected to racial profiling and pretextual traffic stops. The Superintendent may engage any accredited public two-year or four-year institution of higher education in the Commonwealth or an independent body with the experience, expertise, and technical capacity to conduct such research to assist in establishing the uniform statewide system and database. The Superintendent must notify the attorney for the Commonwealth of a locality, if he determines that the local police force has not or refuses to comply with the reporting requirements and the maintenance of certain traffic records, and seek compliance with the law. The Superintendent must report the findings and recommendations from the data analysis annually to the Attorney General of Virginia, the Governor, and the General Assembly, beginning on July 1, 2002. A copy of the report also must be provided to each attorney for the Commonwealth. The provisions of the bill expire on July 1, 2005. This bill is a recommendation of the House Committee on Transportation's Special Subcommittee on Racial Profiling and Pretextual Traffic Stops.

**6. Fiscal Impact Estimates are: Preliminary**

**6a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2000-01			
2001-02	\$1,672,536	48	GF
2002-03	\$1,461,336	48	GF

**7. Budget amendment necessary:** Yes. Item 490.

**8. Fiscal implications:** According to the Department of State Police, current management information systems and data collection instruments do not capture the information specified in the proposed bill.

The department would be required to design, develop, and maintain a system capable of serving all seven field divisions and the 48 area offices statewide. Also, due to the department's current communication limitations, 48 additional positions are required. These positions would be assigned to support officers in the 48 area offices, to collect and enter the data. Additional costs include designing and developing a database, and the services of a management analyst to analyze, interpret, and report the data. It is also anticipated that the legislation would impact trooper productivity; by as much as five minutes per contact. The department estimates state troopers have approximately three million contacts with citizens annually.

The fiscal impact of this legislation could be partially avoided if resources are committed to the land mobile radio project (LMR). The LMR could permit the Department of State Police, as well as the local law enforcement agencies, to submit required data directly to the Department of State Police from the alleged traffic offense scene. If funded, the LMR system could be providing some racial profiling data from state and local police officers in less than two years (the entire state in about 6 years).

9. Specific agency or political subdivisions affected: Department of State Police, all law enforcement agencies in Virginia.
10. Technical amendment necessary: No.
11. Other comments: Similar to SB1241, HB2504, and SB1075.

**Date:** 01/23/01 jgc

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cc: Secretary of Public Safety

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