

Department of Planning and Budget 2012 Fiscal Impact Statement

1. Bill Number: HB1298-ER

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

2. Patron: Albo

3. Committee: Passed both Houses

4. Title: Criminal procedure; GPS tracking device.

5. Summary: Provides the authority and the protocol for a law-enforcement officer to apply for a search warrant to permit the use of a GPS tracking device. Unauthorized disclosure or publication of the existence of a search warrant issued pursuant to this section, application for such search warrant, any affidavit filed in support of such warrant, or any return or data obtained as a result of such search warrant that is sealed by operation of law is punishable as a Class 1 misdemeanor. Also, the second enactment clause states an emergency exists and the act will be in force from its passage.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Final; See item 8 below.

8. Fiscal Implications: Although insufficient data exists to determine the fiscal impact due to this legislation, the legislation could result in an increase in the jail population since Class 1 misdemeanor outcomes result in sentences of up to 12 months in jail (and a fine up to \$2,500). Any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds most of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's FY2010 Jail Cost Report (November 1, 2011), the estimated total state support for local and regional jails averaged \$29.98 per state inmate, per day in FY 2010.

According to the Department of State Police, the legislation is not expected to have a fiscal impact on the department. Also, the Supreme Court of Virginia states that although this bill will add some additional hearings in circuit courts, especially because of possible extensions of the effective time of the search warrant and that the procedure for the termination of the search warrant is more complex than for other types of search warrants, the bill is expected to be implemented without a material fiscal impact on the court system.

9. Specific Agency or Political Subdivisions Affected: State and local law enforcement officers, circuit courts statewide, local and regional jails.

10. Technical Amendment Necessary: No.

11. Other Comments: Identical to SB685-ER.

Date: March 12, 2012

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