

## **Department of Planning and Budget 2013 Fiscal Impact Statement**

**1. Bill Number: HB 2229**

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

**2. Patron: Cline**

**3. Committee: Militia, Police and Public Safety**

**4. Title: Detention of citizens**

**5. Summary:**

The proposed legislation deals with the detention and removal by the federal government of Virginia citizens who were involved in the September 11, 2001 terrorist attacks or who have been involved in terrorist activities. The legislation would require the Virginia Secretary of Public Safety to request the U.S. Secretary of Defense to provide notification within 12 hours of any such detention to the Secretary of Public Safety and the chief law-enforcement officer of the locality in which such citizen is detained. Furthermore, the legislation would require that the Secretary of Public Safety request the U.S. Secretary of Defense to seek authorization from the chief law-enforcement officer of the locality in which such citizen is detained prior to removal of the citizen from the locality.

The legislation would require each Virginia cabinet secretary to submit to the Secretary of the Commonwealth copies of all memoranda of understanding (MOUs) entered into by the Commonwealth and agencies of the federal government. The Secretary of the Commonwealth would be required to publish these MOU on a semiannual basis.

Finally, the legislation would provide that, if any federal agency detaining any such citizen fails to provide the notifications specified in the bill, any funding to implement the MOUs with federal agencies would be contingent upon authorization by an act of the General Assembly in a subsequent year.

**6. Budget Amendment Necessary: None.**

**7. Fiscal Impact Estimates: Indeterminate. See Item 8.**

**8. Fiscal Implications:**

There could be a cost for the Secretary of the Commonwealth to publish the MOUs with the federal government on a semiannual basis. However, until it is known how many such documents exist, it is not feasible to develop an estimate of the cost.

The legislation could also have an impact on the funding and operations of some state agencies. If federal authorities detained and then removed a citizen from the Commonwealth without providing the notice and obtaining the authorization outlined in the bill and if, subsequently, the General Assembly refused to authorize funding to implement agency MOUs with federal agencies, those operations that were being carried out through MOUs with federal agencies would be adversely affected. It is not feasible at this point to project what effects on agency funding or operations such a circumstance could have.

**9. Specific Agency or Political Subdivisions Affected:**

Secretary of Public Safety  
Secretary of the Commonwealth  
All other cabinet secretaries

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** None.

**Date:** 1/22/2013

**Document:** G:\LEGIS\fis-13\hb2229.docx Dick Hall-Sizemore