



## Fiscal Impact Statement for Proposed Legislation

### Virginia Criminal Sentencing Commission

#### House Bill No. 1534

(Patron – Berg)

LD #: 15101742

Date: 1/5/2015

Topic: Body-worn camera systems; law enforcement

#### Fiscal Impact Summary:

- **State Adult Correctional Facilities:**  
\$50,000 \*
- **Local Adult Correctional Facilities:**  
Cannot be determined
- **Adult Community Corrections Programs:**  
Cannot be determined

- **Juvenile Correctional Centers:**  
Cannot be determined\*\*
- **Juvenile Detention Facilities:**  
Cannot be determined\*\*

\*\*Provided by the Department of Juvenile Justice

\* The estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the 2014 Acts of Assembly, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.

#### Summary of Proposed Legislation:

The proposal adds § 52-8.7 to the *Code of Virginia* to make it a Class 6 felony to knowingly disseminate audiovisual recordings created by law-enforcement through the use of a body-worn camera system. Under the proposal, the Superintendent of State Police must implement a requirement that all officers responsible for the prevention and detection of crime and enforcement of laws of the Commonwealth be equipped with a body-worn camera system. Any other law-enforcement agency in the Commonwealth that elects to implement the use of a body-worn camera system would also be required to comply with the provisions of the proposed § 52-8.7. In addition, the proposal would require that law enforcement agencies transmit audiovisual recordings created with body-worn cameras to the office of the Attorney General within a 24-hour period. Under the proposal, the Attorney General must maintain these recordings for 30 days.

Currently, there are no provisions in the *Code of Virginia* related to the dissemination of audiovisual recordings created using body-worn camera systems.

#### Analysis:

According to the General District and Circuit Court Case Management System (CMS) for fiscal years 2010 through 2014, there were no convictions under §§ 9.1-136, 18.2-308.2:2, 19.2-292.3, or 52-48 for the unauthorized dissemination of criminal history or criminal intelligence information. Existing data sources do not contain sufficient detail to determine if offenders were convicted under other computer or obstruction of justice related statutes for the unlawful dissemination of criminal history or criminal intelligence information.

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**Impact of Proposed Legislation:**

**State adult correctional facilities.** Because it adds a new Class 6 felony to the *Code of Virginia*, the proposal may increase the state-responsible (prison) bed space needs of the Commonwealth. However, the number of additional felony convictions that may result from enactment of the proposal cannot be estimated; therefore, the magnitude of the impact on prison bed space needs cannot be determined.

**Local adult correctional facilities.** The proposal may also increase local-responsible (jail) bed space needs, but the magnitude of the impact cannot be determined.

**Adult community corrections programs.** Because the proposal could result in felony convictions and subsequent supervision requirements for an additional number of offenders, the proposal may increase the need for state community corrections resources. Since the number of cases that may be affected by the proposal cannot be determined, the potential impact on community corrections cannot be quantified.

**Virginia's sentencing guidelines.** As a new felony, a conviction for the proposed offense would not be covered by the sentencing guidelines when this crime is the primary (most serious) offense. A conviction for such an offense, however, could augment the guidelines recommendation if the most serious offense at sentencing is covered by the guidelines. No adjustment to the guidelines would be necessary under the proposal.

**Juvenile correctional centers.** According to the Department of Juvenile Justice (DJJ), the impact of the proposal on juvenile correctional center (JCC) bed space needs cannot be determined.

**Juvenile detention facilities.** The Department of Juvenile Justice reports that the proposal's impact on the bed space needs of juvenile detention facilities cannot be determined.

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**Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the 2014 Acts of Assembly, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000.**

**Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

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