

## Department of Planning and Budget 2015 Fiscal Impact Statement

**1. Bill Number: HB 1606**

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

**2. Patron:** Garrett

**3. Committee:** Senate Courts of Justice

**4. Title:** Private police departments

**5. Summary:**

Under current law, there are no provisions regarding the formation and operation of police departments by private entities. As a result, several have been established by entities such as private companies, private recreational facilities, and community residential associations.

The proposed legislation would prohibit the establishment or operation of a private police department unless authorized by statute or an act of the General Assembly. Any private police department so authorized would be subject to the following conditions:

1. Its jurisdiction would be limited to real property owned, leased, or controlled by the private entity and, if approved by the local chief of police or sheriff, any contiguous property;
2. Its authority would not supersede the authority, duties, or jurisdiction of the local police or sheriff's department;
3. The chief of police or sheriff shall enter into a memorandum of understanding with the private police department addressing the duties and responsibilities of the private police department and the chief law enforcement in the conduct of criminal investigations; and
4. Any person employed as a private police officer must meet all requirements, including the minimum compulsory training requirements for law-enforcement officers.

A private police officer would not be entitled to benefits under the Commonwealth's Line of Duty Act or under the Virginia Retirement System; would not qualify under the provisions of the federal Law Enforcement Officers Safety Act; and would not be deemed an employee of the Commonwealth or any locality.

The proposed legislation would allow any private police department that was (i) in existence on January 1, 2013, (ii) not otherwise established by statute or act of assembly; and (iii) whose status as a private police department was recognized by the Department of Criminal Justice Services to continue to operate, provided it complies with the requirements set out in the legislation. The legislation also sets out by name which private police departments meet this definition.

Finally, the bill would make the records of private police departments accessible to the public to the same extent applicable to public bodies.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary. See Item 8 below.

**8. Fiscal Implications:**

Because the bill would expand one definition of “law-enforcement officer” to include “private police officer”, it would also expand the applicability of a few criminal statutes that use that definition of law enforcement officer. Under the provisions of § 30-19.1:4, Code of Virginia, any proposed legislation that is projected to result in the need for additional prison beds over the ensuing six years is required to include a statement of its fiscal impact and the General Assembly is directed to provide an appropriation for that legislation. However, after analysis of the bill, the Virginia Criminal Sentencing Commission has concluded that the chance of the bill resulting in additional criminal convictions is slight because of the relatively low number of private police officers. In addition, if there were any such convictions, the impact on prison bed space would occur outside the six-year window identified in § 30-19.1:4. Accordingly, it is anticipated that there will be no fiscal impact on the state as a result of the proposed legislation.

**9. Specific Agency or Political Subdivisions Affected:** Department of Criminal Justice Services

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

**11. Other Comments:** Similar to SB 939. The legislation has an emergency clause.

**Date:** 2/16/2015

**Document:** G:\LEGIS\fis-15\hb1606e.docx Dick Hall-Sizemore