

## Department of Planning and Budget 2016 Fiscal Impact Statement

**1. Bill Number:** HB377

<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:** Rush

**3. Committee:** Appropriations

**4. Title:** Criminal law; restoration of firearms rights; report to State Police.

**5. Summary:** The proposal provides a mechanism for reporting to the Department of State Police when a circuit court restores a felon's right to possess, transport, and carry a firearm, ammunition for a firearm, or a stun weapon. The bill provides that prior to entry of a restoration order, the petitioner's fingerprints and petition shall be sent to the Central Criminal Records Exchange (CCRE), which shall forward the petitioner's criminal history record information to the court, which shall inform the attorney for the Commonwealth that the criminal history record information is available for review. If the order is issued, the Department of State Police shall enter the petitioner's name and description in the CCRE so that law-enforcement personnel accessing the CCRE will be aware of the order's existence.

**6. Budget Amendment Necessary:** Yes. Item 422.

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

**8. Fiscal Implications:** According to the Department of State Police (Department), the proposal affects the Virginia State Police Central Criminal Records Exchange (CCRE) that is used to check and update the Virginia's Computerized Criminal History (CCH) system. The implementation of this legislation would create a fiscal impact due to the costs associated with modifying the CCH in order to allow for entering, processing and storing records, and additional personnel required to handle requests for restorations of rights.

The CCH is a system that tracks all criminal cases and dispositions. It is also where the criminal history data is maintained. Because it is written in outdated technologies, the CCH system is currently in the process of being replaced from COBOL to Java based system. It is anticipated that the replacement efforts will be completed on or about April 2017. According to the Department, there is a risk of failure within the system if any delay occurs in the implementation of the new system.

However, to implement the legislation as proposed, the Department's IT staff has determined that additional modifications, beyond what is currently underway, will be necessary thus delaying the

current project for twelve (12) months. The costs related to the schedule delay will vary depending on when the additional work is to be implemented.

If the required modifications, pursuant to the proposed legislation, are conducted after April 2017, the Department's IT staff estimates the cost to be at \$495,000.

If, however, the change is required between February 2016 and April 2017, work on the project would increase substantially thereby increasing the costs by an additional \$1,800,000 to \$2,400,000. The scope of the required modifications to the CCH system, in order to implement the changes proposed by the legislation, is extensive and time intensive. These factors could increase the overall risk to both the legacy and the new CCH system under development. Should the legislation be enacted prior to migrating to the new CCH system, the required modifications will have to be performed twice: once on the legacy system, and once on the new system.

The Department also believes that further delay to the CCH replacement project may add other risks to the project, such as scope change and modifying code that is under development, project staff retention, and possible legacy system failures. While these risks may result in additional cost increase to the project, it is not feasible to calculate the actual cost at this time.

Additionally, the Department's Criminal Justice Information Services Division (CJIC) estimates that one (1) additional Program Support Technician would be needed to receive the petitioner's order and fingerprints, perform the criminal record checks, forward the record to an appropriate Commonwealth's Attorney, and add the restoration of firearms notation to the petitioner's criminal record. The cost of the Technician is estimated at \$65,611 in the first year and \$64,011 in the second and subsequent years (the higher funding amount required in the first year includes one-time nonpersonnel costs).

**9. Specific Agency or Political Subdivisions Affected:** Department of State Police, Courts, and Commonwealth's Attorneys.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** To accommodate the current Department of State Police CCH legacy replacement project scheduled for completion on or about April of 2017, and to provide the Department adequate time to implement the required IT modifications under the proposal, it is suggested the bill have a delayed effective date. This would also reduce the fiscal impact to \$495,000.

**Date:** 2/3/2016-HB377.doc (LAJ)