

Department of Planning and Budget 2018 Fiscal Impact Statement

1. Bill Number: HB 1515

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

2. Patron: Watts

3. Committee: House Courts of Justice

4. Title: Ascertainment of citizenship

5. Summary:

Under current law, a sheriff is required to inquire whether a person brought into custody in a jail was born in a foreign country and is a citizen of a country other than the United States. If the person was born in another country and is a citizen of another country or if that information is not available, the sheriff is required to make an immigration alien query to the United States Immigration and Customs Enforcement agency (ICE). The sheriff is then required to communicate the results of such query to the Compensation Board. Finally, the Compensation Board is required to communicate, on a monthly basis, to the Central Criminal Records Exchange of the Department of State Police the results of any query that results in a confirmation that a person is illegally in the United States.

The proposed legislation would limit the initial inquiries by a sheriff regarding a person's country of birth and citizenship to those persons whose criminal history information includes a prior conviction for a felony or other offense that would be the basis for removal from the United States.

6. Budget Amendment Necessary: None.

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

8. Fiscal Implications:

The proposed legislation could result in fewer persons being held in jail awaiting the results of a query to ICE as to their immigration status. Because the Commonwealth reimburses jails \$4.00 per day for each person being held awaiting trial, the proposal could result in a reduction in per diem payments. However, there is not sufficient information available to make an estimate of any such potential savings.

9. Specific Agency or Political Subdivisions Affected:

Sheriffs and regional jail administrators
Compensation Board
Virginia State Police

10. Technical Amendment Necessary: None.

11. Other Comments: None.