

Department of Planning and Budget 2020 Fiscal Impact Statement

1. **Bill Number:** HB172E

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Krizek

3. **Committee:** Appropriations

4. **Title:** Virginia State Police Electronic Summons System Fund.

5. **Summary:** The proposed legislation establishes the Virginia State Police Electronic Summons System Fund, which provides for a \$5 fee to be assessed as court costs in each criminal or traffic case in which the Virginia State Police (VSP) issued the summons, ticket, or citation. All fees will be deposited into the state treasury and credit to this special non-reverting Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it, and any moneys remaining at the end of the fiscal year shall remain in the Fund. The Fund shall be used for funding software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. Under current law, only localities may charge a fee of up to \$5 for each criminal or traffic case to be used for such purposes.

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

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

8. **Fiscal Implications:** This bill would establish an additional \$5 fee as part of the court fines paid by defendants in any case in which the summons, ticket, or citation was issued by Virginia State Police (VSP). VSP received \$1.7 million the first year and \$262,329 the second year in the 2018-2020 initial biennial budget to implement and operate a pilot e-summons program in Division 7 (Fairfax). This funding was provided to equip 100 of the 177 patrol trooper vehicles in Division 7. In all other cases except for the 100 troopers participating in this pilot program, VSP's current practice is to complete all summonses manually. Copies are provided to the offender, and hand delivered to the appropriate courts, where they are manually entered into the case management system.

According to VSP, there are currently 50 jurisdictions participating in the e-summons system, with an additional three jurisdictions developing programs. VSP plans a gradual rollout of the program, expanding as revenue from the fee collected allows growth. VSP estimates that statewide implementation could be achieved over a six- to eight-year period at an estimated cost of \$15-20 million for the department's 1,121 vehicles. The agency anticipates being able to recover implementation and operational costs as the program expands and more fees are collected. According to VSP, the program will be completely paid for by the fees collected, and general fund appropriation is not required.

Currently, some court systems do not have electronic summons capabilities, so growth in those areas would be contingent on their adoption of this technology. The agency expects to use the revenue from the fees collected to cover the costs related to vehicle hardware for sworn employees, software and interface costs, personnel, training, printing papers, software licenses and fees, computer upgrades, and data transmission costs.

Because only 50 jurisdictions are participating currently, the full cost will likely be spread out over several years as more jurisdictions adopt the e-summons technology.

There is no way to accurately estimate the number of jurisdictions that will be added to the e-summons system each year, so the total cost per year cannot currently be determined. In 2018, VSP troopers issued 475,002 summonses, of which 310,240 resulted in convictions. Assuming that VSP issues approximately the same number of summonses resulting in the same number of convictions per year, the annual estimated revenue is expected to be approximately \$1,551,200 annually for a statewide system (at \$5 per conviction).

9. Specific Agency or Political Subdivisions Affected: Department of State Police, Courts, Local law enforcement agencies.

10. Technical Amendment Necessary: No.

11. Other Comments: Item § 3-6.04, Chapter 854, 2019 Acts of Assembly provides that nothing in § 17.1-279.1 of the Code of Virginia shall be construed to authorize any county, city, or town to assess the sum set forth therein upon any summons issued by a law enforcement agency of the Commonwealth.