

Department of Planning and Budget
2020 Special Session I - Fiscal Impact Statement

1. Bill Number: HB5029S1

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

2. Patron: McQuinn

3. Committee: Senate Finance and Appropriations Committee

4. Title: Law-enforcement officer; failure to intervene in an excessive use of force; penalties.

5. Summary: The proposed legislation requires that any law-enforcement officer who witnesses another law-enforcement officer engaging or attempting to engage in the unlawful use of force against another person shall intervene, when such intervention is when such intervention is feasible, to end the excessive use or attempted excessive use of force, or to prevent the further excessive use of force. It also requires a law-enforcement officer to render aid, as circumstances objectively permit, to any person injured as the result of such excessive use of force.

The proposed legislation also requires any law-enforcement officer who intervenes, or who witnesses another law-enforcement officer engaging or attempting to engage in the unlawful use of force against another person, to report such intervention or unlawful use of force in accordance with the law-enforcement officer's employing agency's policies and procedures for reporting misconduct committed by a law-enforcement officer. The proposed legislation also states that no employing agency shall retaliate, threaten to retaliate, or take or threaten to take any disciplinary action against a law-enforcement officer who intervenes or makes a report pursuant to this subsection.

The proposed legislation also states that in addition to any other penalty authorized by law, any law-enforcement officer who knowingly violates the provisions of this chapter shall be subject to disciplinary action, including dismissal, demotion, suspension, or transfer of the law-enforcement officer or decertification as provided in subsection D of § 15.2-1707 (decertification of law-enforcement officers).

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary (see Item 8 below).

8. Fiscal Implications: The Department of Criminal Justice Services does not expect a fiscal impact a result of the proposed legislation. The impact on other state agencies cannot be determined at this time. Should additional information become available, the fiscal impact statement will be updated as necessary.

The fiscal impact on law enforcement agencies cannot be determined at this time.

9. Specific Agency or Political Subdivisions Affected: State and local law-enforcement agencies, Department of Criminal Justice Services, and the Office of the Attorney General.

10. Technical Amendment Necessary: None.

11. Other Comments: No.