

## Department of Planning and Budget 2020 Fiscal Impact Statement

**1. Bill Number:** HB5104E

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

**2. Patron:** Price

**3. Committee:** House Committee on Public Safety

**4. Title:** Minimum Qualifications for law-enforcement officer, etc.; disclosure of information

**5. Summary:** The proposed legislation provides that any sheriff or chief of police, the director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers, and the Director of the Department of Criminal Justice Services shall disclose to a prospective law-enforcement or jail employer any information (i) related to an arrest or prosecution of a former police officer, deputy sheriff, or jail officer, including expunged information; (ii) related to a civil suit regarding a former police officer's, deputy sheriff's, or jail officer's employment or performance of his duties; (iii) obtained during the course of any internal investigation related to a former police officer's, deputy sheriff's, or jail officer's alleged criminal conduct, use of excessive force, or other official misconduct in violation of the state professional standards of conduct; and (iv) related to a former police officer, deputy sheriff, or jail officer's job performance that led to dismissal, demotion, suspension, or transfer. The proposed legislation further provides that no police officer, deputy sheriff, or jail officer may be employed by another law-enforcement agency or jail until the requested information is received from all prior employing agencies in the Commonwealth. The proposed legislation also provides immunity from civil liability for the aforementioned parties who disclose information consistent with the proposed legislation, under specified conditions.

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

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

**8. Fiscal Implications:** Currently, DCJS reports that it does not collect any information on arrests for current or former police officers, deputy sheriffs, or jail officers, including expunged information; information related to a civil lawsuit; information of internal investigations, information related to job performance that led to dismissal, demotion, suspension, or transfer. Therefore, DCJS does not expect a fiscal impact as a result of the proposed legislation.

The engrossed version of the proposed legislation also modifies section 15.2-1705 to require all law enforcement officers to undergo a psychological examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed psychologist or other licensed mental health professional. To the extent that such an examination is not

already part of an agency's hiring procedure, this requirement is likely to result in a fiscal impact on state agencies that have law enforcement personnel.

- The Department for Aging and Rehabilitative Services (DARS) reports that it may incur a fiscal impact as a result of the proposed legislation due to the requirement to ensure that all law enforcement staff at the Wilson Workforce and Rehabilitation Center (WWRC) meet the provisions of the legislation. However, DARS cannot provide an estimate of this amount at this time because it is still assessing these requirements and which costs would be directly borne by WWRC.
- The Virginia State Police (VSP) reports that it does not anticipate any fiscal impact as a result of the curriculum requirements established in the proposed legislation because it already provides training on the categories specified. VSP anticipates that it would petition DCJS to use an alternative curriculum, consistent with the provisions in the proposed legislation, and expects that as long as this petition is granted, no fiscal impact would result from the changes related to training. Additionally, VSP does not anticipate a fiscal impact as a result of the requirement related to psychological examinations because this is consistent with the agency's current practice.
- Capitol Police (CP) reports that it conducts psychological examinations through an agreement with a private medical professional for new law-enforcement officers; however, if an officer is transferring to the agency, CP does not conduct a psychological examination. Should the intent of the proposed legislation be to require psychological examinations for such law-enforcement officers as well, CP estimates that it would cost approximately \$1,800 annually (assuming ten law-enforcement officers at a cost of \$180 per officer). The agency has a contract with a local service provider.
- According to the Department of Corrections (DOC), the provisions of §15.2-1705 only apply to its Special Investigations Unit. DOC believes, at this time, that the costs associated with implementing the provisions of this section of the bill can be absorbed within their existing resources.
- The Office of the State Inspector General (OSIG) estimates that psychological examinations would cost approximately \$500 annually, based on the assumption that one or two new agents would be hired by the agency annually. However, the OSIG has indicated that it will be able to absorb this fiscal impact, to the extent that costs do not exceed this estimate. These figures are based on the agency's interpretation of the proposed legislation.
- According to the Marine Resources Commission (MRC), the proposed legislation will have an expenditure impact of \$2,250 annually, which the agency expects to be able to absorb within existing resources. The agency reports that the average turnover rate for law enforcement is 12 percent annually. Given the number of officers MRC employs, the agency estimates an annual need for approximately 10 tests annually in order to fill vacant positions. This would cost \$2,250 per year. MRC reports that it can absorb this expense within its special fund balances for Law Enforcement, which are used to

purchase replacement vessels and specialized equipment, to match grants, and to purchase replacement vehicles as needed.

- The Department of Conservation and Recreation (DCR) estimates that conducting psychological examinations will cost the agency approximately \$7,000 annually, based on the assumption that ten officers are hired by the agency annually; however, the agency anticipates that it will be able to absorb this fiscal impact within existing resources. These estimates are based on the agency's interpretation of the proposed legislation.
- According to the Virginia Lottery, the agency hires an average of two agents on an annual basis who would be subject to the requirement in §15.2-1705. However, additional information regarding the costs that will result for the agency as a result of compliance with this requirement is not currently available.
- Virginia Alcoholic Beverage Control Authority does not anticipate a fiscal impact as a result of the requirement related to psychological examinations because this is consistent with the agency's current practice.
- Information from the Department of Wildlife Resources, the Department of Motor Vehicles, institutions of higher education with a campus law-enforcement department, and the Department of Juvenile Justice is not available at this time. The fiscal impact statement will be updated upon receiving information from affected agencies as needed.
- Information is not available to determine the fiscal impact on local law enforcement agencies at this time.

**9. Specific Agency or Political Subdivisions Affected:** The Department of Criminal Justice Services, local and state law-enforcement agencies.

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

**11. Other Comments:** None.