

## **Department of Planning and Budget**

### **2020 Fiscal Impact Statement**

**1. Bill Number:** HB5104S1

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

**2. Patron:** Price

**3. Committee:** Senate Finance and Appropriations Committee

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

**5. Summary:** The proposed legislation requires 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 any expunged arrest or criminal charge known to the agency or disclosed during the hiring process that would otherwise be prohibited from disclosure in accordance with section 19.2-392.4; (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 adopted by the Criminal Justice Services Board. The hiring agency or jail may request this information subsequent to a conditional offer of employment. The proposed legislation establishes that no police officer, deputy sheriff, or jail officer may be employed in such position until the requested information, as specified, is received from all prior employing law-enforcement agencies in the Commonwealth. If a prior employing law-enforcement agency is located outside the Commonwealth, the hiring agency or jail is permitted to request the police officer, deputy sheriff, or jail officer to complete a waiver or release liability authorizing the hiring agency or jail to request such information as listed in this subsection.

The proposed legislation also provides that the hiring law-enforcement agency or jail may require a candidate for employment to undergo a psychological examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed clinician.

The bill also provides Any sheriff or chief of police, any director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers or jail officers, and the Director of the Department of Criminal Justice Services or his designee who discloses information about a former deputy sheriff's or law-enforcement officer's or jail officer's job performance or information requested pursuant to subsection B of §15.2-1705 to a prospective law-enforcement or jail employer of the former appointee or employee is immune from civil liability for such disclosure or its consequences unless the information disclosed by the former employer was knowingly false or deliberately misleading, was

rendered with malicious purpose, or violated any civil right of the former employee or appointee.

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

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

**8. Fiscal Implications:** The bill provides that the hiring law-enforcement agency or jail may require a candidate for employment to undergo a psychological examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed clinician. To the extent that such an examination is not already part of an agency's hiring procedure, and a hiring agency elects to require such an examination, there may be a fiscal impact on state agencies.

- The Virginia State Police reports that psychological examinations are consistent with the agency's current hiring practices.
- Capitol Police reports that conducting psychological examinations on non-certified incoming law-enforcement personnel is consistent with the agency's current hiring practices.
- 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 if psychological examinations would be implemented, such costs could be absorbed within existing resources.
- The Office of the State Inspector General reports that because the implementation of psychological examinations for law-enforcement personnel is discretionary, no fiscal impact is expected.
- To the extent that psychological examinations are conducted by the Marine Resources Commission (MRC), the agency is expected to absorb the cost within its special fund balances for Law Enforcement. 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.
- To the extent that psychological examinations are conducted by the Department of Conservation and Recreation, the agency anticipates that it will be able to absorb the fiscal impact within existing resources.
- The Virginia Lottery reports that because the implementation of psychological examinations for law-enforcement personnel is discretionary, no fiscal impact is expected.

- Virginia Alcoholic Beverage Control Authority reports that conducting psychological examinations for incoming law-enforcement personnel is consistent with the agency's current hiring practices.
- Information from the Department for Aging and Rehabilitative Services, 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.

The proposed legislation is not expected to have a fiscal impact on the Department of Criminal Justice Services.

**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.