

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

**1. Bill Number:** HB5112

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

**2. Patron:** Levine

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

**4. Title:** Law-enforcement officer; duty to render aid; duty to report wrongdoing by another law-enforcement officer; penalty.

**5. Summary:** The proposed legislation requires any law-enforcement officer who witnesses another person suffering from a serious bodily injury or a life-threatening condition to render aid and makes it a duty to report acts of wrongdoing committed by another law-enforcement officer. The proposed legislation also makes any law-enforcement officer who fails to render such aid or report such acts of abuse, fraud, misconduct, or wrongdoing committed by another law-enforcement officer, subject to disciplinary action, including dismissal, demotion, suspension, or transfer. Under the proposed legislation, it is a Class 1 misdemeanor for failure of any law-enforcement officer, who has actual knowledge of the commission on duty of a criminal offense by another law-enforcement officer, to report such wrongdoing, defined in the proposed legislation. The proposed legislation also amends the definition of "bias-based profiling" to include sexual orientation and gender identity.

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

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

**8. Fiscal Implications:** The proposed legislation also penalizes as a Class 1 misdemeanor the failure of any law-enforcement officer, who has actual knowledge of the commission on duty of a criminal offense by another law-enforcement officer, to report such wrongdoing, as defined in the proposed legislation.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail. There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. The Commonwealth currently pays the localities \$4.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail. It also funds a large portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2019), the estimated total state support for local jails averaged \$34.07 per inmate, per day in FY 2018.

**9. Specific Agency or Political Subdivisions Affected:** Courts, law enforcement agencies, Commonwealth's Attorneys.

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

**11. Other Comments:** None.