

## **Department of Planning and Budget**

### **2020 Special Session I Fiscal Impact Statement**

**1. Bill Number:** HB5133

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

**2. Patron:** R. Bell

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

**4. Title:** Police officers, deputy sheriffs, and jail officers; employment and decertification.

**5. Summary:** The proposed legislation establishes that a hiring law-enforcement agency or jail shall request certain specified information from all prior employing agencies or jails within the last two years any information if a police officer, deputy sheriff, or jail officer seeking employment had been previously employed by another law-enforcement agency or jail. The proposed legislation also establishes that the hiring agency or jail may request this information subsequent to a conditional offer of employment, but that no police officer, deputy sheriff, or jail officer may be employed in such position until the requested information is received from all prior employing agencies in the Commonwealth. The proposed legislation also requires any sheriff or chief of police in the Commonwealth, any director or chief executive of any law-enforcement agency or jail in the Commonwealth, and the Director of the Department of Criminal Justice Services or a designee to disclose any information requested in accordance with the provisions of this subsection to any hiring agency or jail that requests such information.

The proposed legislation also requires a sheriff, chief of police, or agency administrator to notify the Criminal Justice Services Board (Board) in writing within 48 hours of becoming aware that any certified law-enforcement or jail officer currently employed by his agency has been dismissed because of the use of force or who has resigned subsequent to a complaint against such employee for the use of force or in advance of being dismissed because of the use of force. Upon receiving such notice, the Board is required to decertify such law-enforcement or jail officer.

The proposed legislation also allows the Board to initiate decertification proceedings against any former law-enforcement or jail officer whom the Board has found to have been dismissed from a law-enforcement agency because of the use of force.

Lastly, the proposed legislation provides for employer immunity from liability for disclosure of information, as specified in the legislation, regarding former deputy sheriffs and law-enforcement officers.

**6. Budget Amendment Necessary:** Yes. The amended budget (HB5005/SB5015) includes funding and one position (\$94,825 the first year and \$113,790 the second year) in Item 403 for Department of Criminal Justice Services to implement the proposed legislation. This

funding assumes funding for ten months of personnel costs in FY 2021 and full funding in FY 2022.

- 7. Fiscal Impact Estimates:** Preliminary (see Item 8 below).
- 8. Fiscal Implications:** The Department of Criminal Justice Services (DCJS) states that expanding the factors that allow for the decertification of a law-enforcement officer will result in more decertifications, and, therefore, as a result, more appeal hearings. DCJS reports that it is not possible to be certain how many additional decertifications and appeal hearings may result from the proposed legislation; however, based on existing data, DCJS reports that on average the agency has reviewed seven decertifications per year since 2012. The lowest number (five decertifications) was reviewed in 2012, and the highest number (15 decertifications) was reviewed in 2018.

Currently, DCJS states that review of decertifications for appeal hearings constitutes 35 percent of the time of one full-time position. DCJS estimates that it is likely that 20 additional decertifications a year (which is the equivalent of 0.1% of currently certified law enforcement officers) could result from the implementation of the proposed legislation. As a result, DCJS anticipates that an additional full-time staff position may be necessary to review, process, and prepare decertifications for appeal hearings. The amended budget (HB5005/SB5015) includes funding and one position (\$94,825 the first year and \$113,790 the second year) in Item 403 for Department of Criminal Justice Services to implement the proposed legislation.

The Office of the Attorney General (OAG) is responsible for representing the Criminal Justice Services Board (Board) at decertification hearings. While the bill could increase their workload, the OAG believes that this increase can be absorbed within existing resources.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Criminal Justice Services, Office of the Attorney General, state and local law-enforcement agencies.
- 10. Technical Amendment Necessary:** No.
- 11. Other Comments:** None.