

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

1. Bill Number: HB5136

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

2. Patron: Avoli

3. Committee: House Committee on Public Safety

4. Title: Law-enforcement officers; Criminal Justice Services Bd., statewide professional standard of conduct.

5. Summary: The proposed legislation requires the Department of Criminal Justice Services (DCJS) to adopt statewide professional standards of conduct applicable to all law-enforcement officers and appropriate due process procedures for decertification based on serious misconduct in violation of such standards.

The proposed legislation also requires any chief of police, sheriff, or agency administrator to notify the Criminal Justice Services Board (Board) in writing within 48 hours of becoming aware that any law-enforcement officer currently employed by his agency has been found to have engaged in serious misconduct. The proposed legislation also authorizes the Board to initiate decertification proceedings against any current or former law-enforcement officer who has engaged in serious misconduct as defined in such statewide professional standards of conduct. The provisions regarding decertification proceedings have a delayed effective date of October 1, 2021.

6. Budget Amendment Necessary: Yes. The amended budget (HB5005/SB5015) includes funding and two positions (\$208,079 the first year and \$249,695 in 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 it expects a fiscal impact as a result of the proposed legislation. The agency reports that a program manager will be required, who will be responsible for developing the professional standards of conduct. Additionally, DCJS also anticipates that this position will also be responsible for providing training and technical assistance on the new statewide professional standards of conduct to law-enforcement agencies, given that violation of such standards would become the grounds for the decertification of a law-enforcement officer. Additionally, DCJS reports that it will need a position to manage the likely increase in the number of decertifications. Since the statewide professional standards of conduct are yet to be defined, DCJS reports that it cannot be certain how

many additional decertifications may result from this bill. 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, and assist the Attorney General's Office as needed. The amended budget (HB5005/SB5015) includes funding and two positions (\$208,079 the first year and \$249,695 in the second year) in Item 403 for DCJS to address this additional workload.

The Office of the Attorney General (OAG) believes there may be a need for additional resources related to the decertification of officers, however, the impact on the agency cannot be determined at this time.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.