

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

**1. Bill Number:** SB5040

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

**2. Patron:** Adam P. Ebbin

**3. Committee:** Judiciary

**4. Title:** Attorney General; criminal cases involving certain felonies committed by law-enforcement officers.

**5. Summary:** Provides that the Attorney General, with the concurrence of the local attorney for the Commonwealth, may assist in the prosecution of certain felony offenses committed by law-enforcement officers during the performance of their official duties.

**6. Budget Amendment Necessary:** Yes, Item 57

**7. Fiscal Impact Estimates:**

**7a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2021	\$215,398	3	General Fund
2022	\$430,795	3	General Fund
2023	\$430,795	3	General Fund
2024	\$430,795	3	General Fund
2025	\$430,795	3	General Fund
2026	\$430,795	3	General Fund

**8. Fiscal Implications:** The Office of the Attorney General (OAG) has original jurisdiction to institute or conduct criminal prosecutions throughout the Commonwealth in limited circumstances outlined in 2.2-511. The OAG also has the ability to prosecute other criminal cases with the permission of the local Commonwealth's Attorney, either by request or for criminal offenses arising out of an investigation conducted by a Multi-Jurisdiction Grand Jury. This bill provides original jurisdiction, with the concurrence of the local Commonwealth's Attorney, to prosecute cases involving deaths caused by a law enforcement officer.

The Office of the Attorney General expects that inclusion of these offenses in 2.2-511 would increasingly result in Commonwealth's Attorneys deferring to the OAG to conduct these prosecutions to avoid conflicts of interest with law enforcement entities in their jurisdictions. OAG indicates these types of cases can be labor intensive to investigate and prosecute, likely requiring the use of special or multijurisdictional grand juries. Extensive travel would also

likely be required to investigate and prosecute these cases, depending on the location of offense.

The Office of the Attorney General expects it would need two additional attorneys and one additional paralegal.

**9. Specific Agency or Political Subdivisions Affected:** Office of the Attorney General

**10. Technical Amendment Necessary:** No

**11. Other Comments:**