

## **Department of Planning and Budget**

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

**1. Bill Number:** SB5065

<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:** Joseph Morrissey

**3. Committee:** Judiciary

**4. Title:** Civil action for deprivation of rights by a law-enforcement officer.

**5. Summary:** Creates a civil action for the deprivation of a person's rights by a law-enforcement officer. The bill provides that a plaintiff may be awarded compensatory damages, punitive damages, and equitable relief, as well as reasonable attorney fees and costs. Finally, the bill provides that sovereign immunity or any other immunities or limitations on liability or damages shall not apply to such actions and that qualified immunity is not a defense to liability for such deprivation of rights.

**6. Budget Amendment Necessary:** See Item 8

**7. Fiscal Impact Estimates:** Preliminary - indeterminate, see Item 8

**8. Fiscal Implications:** The Office of the Attorney General and Department of Law (OAG) indicates this legislation would create the first state cause of action for this variety of claim. This legislation could substantially impact the resources of the OAG, as well as law enforcement officers, supervisors, and agencies. The number and complexity of lawsuits filed against state law enforcement agencies could substantially increase with a corresponding increase in intensive discovery, pretrial and trial work, and mediations and settlements. The OAG indicates the estimated cost is indeterminate at this time.

The Department of Treasury, Division of Risk Management (DRM) estimates this bill will impact the state's Constitutional Officer and Regional Jail Risk Management Plan (VaRISK) by about \$2,600,000 per year, which would result in significant annual premium increases on localities and constitutional officers. VaRISK provides coverage for tort liability, law enforcement liability, public officials liability, and medical malpractice to constitutional officers and regional jails. Local law enforcement, other than constitutional officers, could be impacted by increased insurance premiums. DRM indicates the impact to the State Liability Plan is indeterminate at this time, but eliminating sovereign and qualified immunity will increase costs to the Plans and Plan members.

Virginia State Police and Department of Criminal Justice Services indicate this bill presents no fiscal impact. Any impact to other state agency law enforcement functions (e.g. campus police functions, Alcohol Beverage Control officers, etc.) is not know at this time.

**9. Specific Agency or Political Subdivisions Affected:** The Office of the Attorney General and Department of Law; Department of Treasury, Division of Risk Management; Localities and constitutional officers

**10. Technical Amendment Necessary:** No

**11. Other Comments:** Similar to HB5013