

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: HB1401

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

2. Patron: March

3. Committee: Committee Referral Pending

4. Title: Repeals Community Policing Act

5. Summary: The proposed bill repeals the Community Policing Act that, under current law, prohibits law-enforcement officers and State Police officers from engaging in bias-based profiling in the performance of their official duties. Bias-based profiling is defined as “actions of a law-enforcement officer that are based solely on the real or perceived race, ethnicity, age, gender, or any combination thereof, or other noncriminal characteristics of an individual, except when such characteristics are used in combination with other identifying factors in seeking to apprehend a suspect who matches a specific description.” (COV § 52-30.1)

The bill also repeals the provisions requiring the State Police to create the Community Policing Reporting Database into which sheriffs, police forces, and State Police officers report certain data pertaining to, among other law-enforcement activities, investigatory motor vehicle stops.

6. Budget Amendment Necessary: Only if funding is reduced. Item 429 (VSP), and Item 408 (DCJS).

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

8. Fiscal Implications: The 2020 Session of the General Assembly passed the Community Policing Act (“Act”) which requires law enforcement entities to collect demographic information related to traffic stops (Virginia Acts of Assembly, Chapter 1165). Two state agencies received funding and positions to implement the requirements of the Act (see table below):

Agency	Community Policing Act funding in the agency’s base budget	Positions associated with the base budget funding
Virginia State Police (VSP)	\$1,479,302	11
Department of Criminal	\$132,254	1

Justice Services (DCJS)		
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The proposed bill would amend COV §§ 2.2-3706.1 and 9.1-102 to repeal the Community Policing Act. If the funding provided for the Community Policing Act is maintained in the agencies, the positions supported by this funding could be redirected to other agency needs. If the funding is removed, resulting in layoffs of positions, the impacted agencies will have to cover any severance (Workforce Transition Act- WTA) costs associated with the layoffs.

9. Specific Agency or Political Subdivisions Affected: Department of Criminal Justice Services, Virginia State Police, and local law enforcement agencies.

10. Technical Amendment Necessary: No

11. Other Comments: None