

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: HB2129S1

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☒ Substitute ☐ Enrolled

2. Patron: Delaney

3. Committee: Senate Finance and Appropriations

4. Title: Child victims and witnesses using two-way closed-circuit television; standard.

5. Summary: Expands the age range that a child may testify using two-way closed-circuit television in a criminal case to any victim or witness who is 16 years of age or younger at the time of the trial. Current law provides that the alleged victim must be 14 years of age or younger at the time of the alleged offense and 16 years of age or younger at the time of the trial, and a witness must be 14 years of age or younger at the time of the trial. The bill also provides that the testimony of the child be taken by closed-circuit television if it finds that the child is unavailable to testify in open court in the presence of the defendant, the jury, the judge, and the public, if the court finds, by a preponderance of the evidence, based upon expert opinion testimony, that the child will suffer emotional trauma that is more than de minimis as a result of testifying in the defendant's presence and not the courtroom generally. Under current law, the court must find that the child will suffer severe emotional trauma from testifying.

6. Budget Amendment Necessary: Yes, Item 429.

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

8. Fiscal Implications: According to the Department of State Police (VSP), the agency's High Tech Crimes Division Technical Support Section (TSS) is responsible for the installation and maintenance of the Courtroom Closed Circuit Television (CCTV) systems when requested by the courts. This unit is currently composed of one wage CCTV technician position and ten sworn special agent positions who have other law enforcement duties but fill in with CCTV requests from courts when the technician is unavailable.

In 2022, the TSS unit handled 136 CCTV requests, which each involved at least two days of work, including one day for installation and at least one day for the trial. Once a CCTV request is received from the court, the technician coordinates with court personnel, traveling to the jurisdiction, installing the equipment, providing training to end users in the court, remaining at the courthouse for the duration of the trial, then removing and repackaging the equipment at the trial's conclusion and preparing it for the next assignment. The technician is

also required to complete reports after each use to serve as documentation of the use of the equipment.

Because the proposed legislation expands the number of individuals who are eligible to testify via CCTV, it may require additional positions at VSP. The agency estimates it may need up to four additional wage television system engineer positions to address the increased workload. Each position costs \$54,553 annually. Each position would also require a vehicle (one-time cost of \$20,000 for each position) and CCTV systems equipment (\$8,000 one-time cost for each position).

The impact on Courts is unknown at this time. The fiscal impact statement will be updated if additional information is available.

9. Specific Agency or Political Subdivisions Affected: Department of State Police, Courts, Commonwealth's attorneys.

10. Technical Amendment Necessary: No.

11. Other Comments: None.