

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: SB910

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Engrossed
Second House	<input checked="" type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Newman

3. Committee: Education

4. Title: Public institutions of higher education; threat assessment teams; powers and duties.

5. Summary: Requires each threat assessment team at each public institution of higher education, upon a preliminary determination that an individual poses an articulable and significant threat of violence to others, to (i) obtain criminal history record information and health records for such individual, (ii) notify the campus police department, local law enforcement for the city or county in which the public institution of higher education is located, local law enforcement for the city or county in which the individual resides, and, if known to the threat assessment team, local law enforcement for the city or county in which the individual is located, and the local attorney for the Commonwealth in any jurisdiction where the threat assessment team has notified local law enforcement, and (iii) disclose any specific threat of violence posed by the individual as part of such notification. The bill permits each such threat assessment team to invite non-member representatives from campus to participate in individual cases and specifies that no such representative shall be considered a member of the threat assessment team. The bill requires each threat assessment team member to complete a minimum of eight hours of initial training within 12 months of appointment to the threat assessment team and shall complete a minimum of two hours of threat assessment training each academic year thereafter conducted by the Department of Criminal Justice Services or an independent entity approved by the Department. The bill also provides that in the event that a public institution of higher education has knowledge that a student or employee who was determined pursuant to an investigation by the institution's threat assessment team to pose an articulable and significant threat of violence to others is transferring to another institution of higher education or place of employment, the public institution of higher education from which the individual is transferring shall notify the institution of higher education or place of employment to which the student is transferring of such investigation and determination. Finally, the bill requires the Secretary of Education and Secretary of Public Safety and Homeland Security to convene a task force to determine best practices and develop model policies and procedures for all threat assessment teams at public institutions of higher education and consider and make legislative recommendations on the appropriate qualifications of members of such threat assessment. The task force is required to submit its findings to the Governor and Chairmen of the House Committee for Courts of

Justice, the Senate Committee on the Judiciary, the House Committee on Education, and the Senate Committee on Education and Health no later than December 1, 2023.

6. **Budget Amendment Necessary:** Yes, Item 408.
7. **Fiscal Impact Estimates:** Indeterminate. See Item 8 below.
8. **Fiscal Implications:** If the Department of Criminal Justice Services (DCJS) provides the required training, DCJS will require one additional full-time employee, salaried at \$85,000 plus \$37,500 in benefits and overhead for a total general fund cost of \$122,500 annually beginning in fiscal year 2024. Additionally, DCJS will require technical assistance from a Threat Assessment Subject Matter Expert to develop the courses in FY24 and will also update the courses annually to incorporate any changes to curriculum; these costs are estimated at \$150/hour for 100 hours, at an approximate total general fund cost of \$15,000 annually beginning in fiscal year 2024.

DCJS indicates that the initial threat assessment training for an eight-hour course for 50 people is estimated at \$4,000 per course. The required threat assessment refresher 2-hour course for 50 people is estimated at \$2,000. It's unclear if public institutions of higher education (IHEs) would be required to pay DCJS for the training costs; furthermore, the bill allows IHEs to get training from DCJS or an independent entity approved by DCJS. If IHEs don't use DCJS for the training, any training cost will be incurred by the IHEs.

Additionally, IHEs may require additional staffing for thorough administrative oversight and threat assessment reporting to all designated parties. Any actual fiscal impact to public institutions of higher education is indeterminate at this time.

HB 1400/SB800, 2023 General Assembly Session, includes three additional positions in the Office of the Secretary of Education, including a position intended to work as a postsecondary advisor. With this position, the Secretary's office will be able to meet the requirements of this bill.

The Secretary of Public Safety and Homeland Security anticipates no fiscal impact to comply with the task force provisions of this bill.

Any impact to local law enforcement and Commonwealth attorneys is indeterminate.

9. **Specific Agency or Political Subdivisions Affected:** Department of Criminal Justice Services, local Commonwealth attorneys, local law enforcement, office of the Secretary of Public Safety and Homeland Security, office of the Secretary of Education, public institutions of higher education

10. **Technical Amendment Necessary:** No

11. Other Comments: This bill is identical to HB1916S1; It is not clear that the required reporting to an employer or potential employer is allowable under federal law (FERPA).