

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: SB971

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Peake

3. Committee: Senate Committee on the Judiciary

4. Title: Training standards for magistrates

5. Summary: The proposed bill established that each magistrate appointed by the Executive Secretary of the Supreme Court of Virginia will be required to ride along with an on-duty law-enforcement officer, as defined in § 9.1-101 of the Code of Virginia, who is within the magisterial region that such magistrate represents for a minimum of six hours annually. Every magistrate shall complete by July 1, 2024, the first of such required ride-alongs, and each year thereafter by December 31.

6. Budget Amendment Necessary: Yes, Item 48

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

8. Fiscal Implications: According to the Office of the Executive Secretary of the Supreme Court (OES), there are 400 funded magistrate positions in the Commonwealth. The proposed bill would require each magistrate to spend 6 hours riding along with a law enforcement officer while that officer performs his/her official duties. During those hours that magistrates are riding along with law-enforcement officers, they will be unable to perform their magisterial duties. OES indicates that in districts where staffing needs are most pressing, it may be required to bring in off duty magistrates to cover official magistrate duties or magistrates may be required to complete their ride-alongs with a law-enforcement officer outside of their scheduled forty-hour work week. Both scenarios would result in overtime being accrued.

OES estimates that 50 percent of magistrates currently work in understaffed districts that would require some overtime expenditures to fulfill the requirements of this legislation. The normal average hourly rate for a magistrate is \$29.91 so it is estimated that the annual fiscal impact would be \$89,730 (2400*\$29.91)

If the intent of this legislation is to include the 37 chief magistrates and supervisors, there would be an additional fiscal impact of \$9,251. The average hourly rate for chief magistrates and supervisors is \$41.67.

9. Specific Agency or Political Subdivisions Affected: Magistrate System, law enforcement agencies.

10. Technical Amendment Necessary: No

11. Other Comments: None