

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB1496

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

2. Patron: Rasoul

3. Committee: Communications, Technology and Innovation

4. Title: Surveillance Technology Registry; created.

5. Summary: Directs the Department of Criminal Justice Services (DCJS) to create and maintain a registry of surveillance technologies, defined in the bill, and related information provided by localities and to provide notice to localities that fail to properly register. The bill requires localities, prior to implementing the use of any surveillance technology, to register such surveillance technology with the Surveillance Technology Registry and provide information including (i) the type of surveillance technology used, (ii) the cost and vendor of the surveillance technology, (iii) the approximate location of the surveillance technology, and (iv) any storage and use requirements for the surveillance technology. The bill requires DCJS, for any type of surveillance technology that has not previously been registered, to request the Joint Commission on Technology and Science to study and issue a report on such surveillance technology.

6. Budget Amendment Necessary: Yes, Item 391.

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

8. Fiscal Implications: This bill requires DCJS to create and maintain a “Surveillance Technology Registry” for all law enforcement agencies in the Commonwealth that utilize any such technology and requires the agency to securely retain this data. Currently, DCJS does not maintain any technology or equipment registry for law enforcement agencies.

This bill requires that prior to using any surveillance technology to observe people, personal property, places, or activities to collect personal information without a subject’s knowledge or consent, the law enforcement agency shall provide DCJS with information about the type, cost, location, and storage requirements of any surveillance technology.

Law enforcement agencies in the Commonwealth currently use and deploy surveillance technologies within parameters set by law. If this bill passes, law enforcement agencies will need to provide DCJS with information to include (i) the type of surveillance technology used, (ii) the cost and vendor of the surveillance technology, (iii) the approximate location of the surveillance technology, and (iv) any storage and use requirements for the surveillance technology. DCJS will be required to ensure that surveillance technology devices are registered in a database developed and maintained by DCJS. If it is determined that a

technology being used or proposed to be used that has not previously been registered with DCJS, a study would need to be undertaken by the Joint Commission on Technology and Science on the technology, including public comment, as delineated in the bill. If an agency is found to be using surveillance equipment that is not on the registry, DCJS will issue a notice and the locality shall cease using the technology until a study is conducted, a report is issued, and the equipment is registered.

DCJS utilizes a records management system for all law enforcement officers in the Commonwealth that tracks certifications and training. However, DCJS reports that there is currently no records management system within the agency that has the capability to capture and store such data from law enforcement agencies and serve as the Surveillance Technology Registry. Therefore, a new system would need to be developed. DCJS estimates the cost to develop a new data system that would allow for this type of interactive data collection and storage would be a one-time cost of \$1,000,000. The estimate is based on previous IT development projects that meet all VITA security requirements.

DCJS expects that it would need three FTEs to carry out the requirements of this bill: one program manager an annual salary of \$123,250 (including benefits), and two criminal justice analysts an annual salary of \$108,750 each (including benefits). These positions would work with over 350 law enforcement agencies in Virginia who would be required to comply with this legislation.

The impact on local law enforcement agencies is unknown at this time. Information from the Virginia State Police, and other state law enforcement agencies is pending. The fiscal impact statement will be updated as necessary. The Virginia Crime Commission reports that bill has no fiscal impact on their operations.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.