Department of Planning and Budget
2024 Session Fiscal Impact Statement

1. **Bill Number:** HB249

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

2. **Patron:** Glass

3. **Committee:** Committee on Communications, Technology and Innovation

4. **Title:** Law-enforcement agencies; use of generative artificial intelligence and machine learning systems.

5. **Summary:** The proposed bill authorizes the Department of Criminal Justice Services (DCJS) to establish a comprehensive framework for the use of generative artificial intelligence (AI) and machine learning systems, both defined in the bill, by law-enforcement agencies, which includes (i) developing policies and procedures for the use of generative AI and machine learning systems in law-enforcement activities; (ii) establishing and publishing a model policy for the use of generative AI and machine learning systems to serve as a guideline for criminal justice agencies in the Commonwealth; and (iii) establishing compulsory minimum training standards for basic training and recertification of law-enforcement officers on the use of generative AI and machine learning systems.

   The bill requires DCJS to establish and publish such model policy by January 1, 2025, and that all criminal justice agency adopt a policy consistent with such model policy by July 1, 2025.

   The bill requires any person employed as a law-enforcement officer prior to July 1, 2024, to complete the training required by the bill by January 1, 2026.

6. **Budget Amendment Necessary**: Yes, Item 391.

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

8. **Fiscal Implications:** This bill requires DCJS to develop comprehensive policies and procedures for the use of AI by law enforcement agencies in Virginia. This includes developing policies and procedures related to AI and machine learning in preparing and completing legal instruments and records, generating or acquiring evidence that may be used in legal proceedings, and processing audio, visual, or digital surveillance information. DCJS would also be responsible for creating a model policy on the use of generative AI for all law enforcement agencies in Virginia. Additionally, DCJS would be responsible for developing minimum training standards for law enforcement officers in the use of generative AI and machine learning technology.

DCJS reports that the agency does not currently have the expertise and knowledge needed to be able to develop, maintain, and update AI based policies, procedures, and training standards for law enforcement agencies. DCJS estimates that it would need additional resources to hire a program manager FTE with significant knowledge in AI technologies and funding to lead this effort. The anticipated salary for this position is $130,000 plus benefits, totaling $188,500. DCJS also estimates that it would need additional staff, including one criminal justice analyst FTE to work with a consultant to develop, maintain, and periodically update the model policy and training standards in the bill. DCJS estimates a salary of $90,000 for this position, plus benefits and overhead, totaling $130,500. The total of estimated personnel costs, including fringe benefits, is $319,000 annually.

In addition, the agency reports that it will need resources to contract with experts in this field to assist in developing the policies, procedures, model policies, and training standards. DCJS anticipates the cost of consultants in this field to be expensive and estimates that it will need up to $500,000 in one-time funding, in the first year, for consultants to advise and guide the agency in this effort. This estimate is based on the agency's previous experience with consultants that assisted the agency in updating law enforcement training curriculum. DCJS also reports that without currently having subject matter experts in place to outline the basic training and recertification of law-enforcement required in the bill, it is unable to fully determine the financial impact of meeting the timeline outlined in the proposed bill.

This proposal would impact local and regional law enforcement training academies. The minimum training standards will be taught to officers through the 35 local and regional law enforcement training academies. According to DCJS, the academies do not have trainers with the expertise to train officers in this highly technical subject and will likely have to contract for trainers. However, the impact on local and regional training academies cannot be determined at this time.

9. **Specific Agency or Political Subdivisions Affected:** Department of Criminal Justice Services, local and regional law enforcement training academies, local and regional law enforcement agencies.

10. **Technical Amendment Necessary:** No.

11. **Other Comments:** None.