

Department of Planning and Budget 2024 Session Fiscal Impact Statement

1. Bill Number: HB611H1

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

2. Patron: Price

3. Committee: Public Safety

4. Title: Civilian deaths in custody; report.

5. Summary: The proposed bill requires every law-enforcement agency and correctional facility to report to the Department of Criminal Justice Services (DCJS) certain information regarding the death of any person who is detained, under arrest or in the process of being arrested, enroute to be incarcerated, incarcerated, or otherwise in the custody of such law-enforcement agency or correctional facility.

The bill provides that any law-enforcement agency or correctional facility that fails to comply may, at the discretion of DCJS, be declared ineligible for state grants or funds. The bill also requires the DCJS to analyze the submitted data to determine the means by which such information can be used to reduce the number of such deaths. The substitute bill removes a requirement that was included in the introduced version for DCJS to examine the relationship, if any, between the number of such deaths and the actions of management of such law-enforcement agencies and correctional facilities.

Additionally, the bill requires the Director of DCJS to annually report the findings and recommendations resulting from the analysis and interpretation of the data to the Governor, the General Assembly, and the Attorney General beginning on or before July 1, 2025, and each July 1 thereafter.

6. Budget Amendment Necessary: See Item 8, below.

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

8. Fiscal Implications: According to the Department of Criminal Justice Services (DCJS), data on deaths in custody from law enforcement agencies and correctional facilities is currently collected by the Office of the Chief Medical Examiner (OCME). DCJS only utilizes such data received on a quarterly basis from the OCME for reporting purposes to the federal Department of Justice.

This bill requires DCJS to review and analyze all deaths in custody at both local and state responsible facilities and provide an analysis of these deaths to determine the means by which they can be reduced. DCJS reports it may need an additional FTE with expertise in

incarceration practice and policy to carry out the provisions of this bill. The total annual general fund estimated fiscal impact for one FTE is \$123,250 (salary and benefits).

According to the Office of the State Inspector General and the Virginia State Police, the proposed bill is not expected to have a material fiscal impact. Any impact on state and local law enforcement agencies, as well state and local correctional facilities cannot be determined at this time.

9. Specific Agency or Political Subdivisions Affected: Department of Criminal Justice Services, law enforcement agencies, and correctional facilities.

10. Technical Amendment Necessary: No.

11. Other Comments: None.