

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: HB801

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 legislation 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 DCJS to analyze the submitted data to (i) determine the means by which such information can be used to reduce the number of such deaths and (ii) examine the relationship, if any, between the number of such deaths and the actions of management of such law-enforcement agencies and correctional facilities. The bill also provides that any law-enforcement agency or correctional facility that fails to comply with the provisions of the bill may, at the discretion of the Department, be declared ineligible for state grants or funds. The Director of DCJS shall 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, 2023, and each July 1 thereafter.

6. Budget Amendment Necessary: Indeterminate

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

8. Fiscal Implications: DCJS states that the statistical data which law-enforcement and correctional facilities would be required to report to the agency under the bill is the same information which these agencies currently report to the Office of the Chief Medical Examiner (OCME) under § 32.1-283 (A) (investigation of deaths). According to DCJS, the fiscal impact on the agency's operation is indeterminate at this time.

The proposed legislation grants DCJS the discretion to declare that any law-enforcement agency or correctional facility that fails to comply with the provisions ineligible for state grants or funds. Currently, DCJS disburses state funds to local police departments, including but not limited to HB599 funding under Item 408, Chapter 552, 2021 Act of Assembly, Special Session I. A budget language would be needed to allow the purpose of this bill to be realized since the appropriation act supersedes statutory law.

The fiscal impact on state and local law enforcement agencies cannot be determined at this time.

9. Specific Agency or Political Subdivisions Affected: The Department of Criminal Justice Services; Department of Corrections; state and local law-enforcement; jails.

10. Technical Amendment Necessary: No.

11. Other Comments: None.