

## Department of Planning and Budget 2022 Fiscal Impact Statement

**1. Bill Number:** SB59

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

**2. Patron:** Hackworth

**3. Committee:** Local Government

**4. Title:** Local law enforcement; records.

**5. Summary:** The proposed legislation requires the chief of police of a local police department that is dissolved to relinquish certain required records to the sheriff for that locality. The bill makes failure to relinquish such records to the sheriff a misdemeanor.

**6. Budget Amendment Necessary:** No.

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

**8. Fiscal Implications:** Currently, a sheriff or chief of police is required to maintain adequate personnel, arrest, investigative, reportable incidents, and noncriminal incidents records necessary for the efficient operation of a law-enforcement agency, in addition to other records required by law. Additionally, the failure of a sheriff or a chief of police to maintain such records, or the failure to relinquish such records to a successor in office is a misdemeanor.

The proposed legislation establishes that in the event that a local police department ceases to exist, it is the duty of the chief of police of the former local police department to relinquish such records to the sheriff for that locality. Additionally, the bill establishes that the failure of a sheriff or a chief of police to relinquish such records to the sheriff for that locality if the police department ceases to exist, constitutes a misdemeanor.

The proposed legislation expands an existing misdemeanor. Anyone convicted of a misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both. However, there is not enough information available to reliably estimate the increase in jail population as a result of this proposal. Nevertheless, any increase in jail population would increase costs to the state. The Commonwealth currently pays the localities \$4.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail. It also funds a large portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2021), the estimated total state support for local jails averaged \$37.58 per inmate, per day in FY 2020.

The proposed bill is not expected to have a fiscal impact on state agencies.

**9. Specific Agency or Political Subdivisions Affected:** Law enforcement agencies;  
Commonwealth Attorneys; local jails.

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

**11. Other Comments:** None.