Department of Planning and Budget
2025 General Assembly Session
State Fiscal Impact Statement

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Bill Number: HB2039 **Patron:** Simon
Bill Title: Department of Criminal Justice Services; Virginia Freedom of Information Advisory Council; encrypted telecommunications.

Bill Summary: Requires the Department of Criminal Justice Services to, in consultation with the Virginia Freedom of Information Advisory Council, establish a model policy on the use of encrypted telecommunications by law-enforcement agencies. The bill requires the Department of Criminal Justice Services to establish and publish such model policy by January 1, 2026.

Budget Amendment Necessary: Yes **Items Impacted:** 391
Explanation: Additional funding needed to support one-time consultant expenses and ongoing costs for one wage employee.

Fiscal Summary: In order to meet the provisions of this bill, the Department of Criminal Justice Services (DCJS) anticipates the need to hire a subject matter expert with a one-time cost of $75,000. DCJS also anticipates the need for one wage employee, with an ongoing cost of $56,516 annually.

General Fund Expenditure Impact:

Agency	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030
DCJS	$0	$131,516	$56,516	$56,516	$56,516	$56,516
TOTAL	**$0**	**$131,516**	**$56,516**	**$56,516**	**$56,516**	**$56,516**

Fiscal Analysis: As written, the bill may be interpreted as a directive to DCJS to develop a model law-enforcement agency policy that provides a process by which encrypted communication made by a law-enforcement organization may later be FOIA'd by interested parties. This bill also may be interpreted as a directive to DCJS to develop a model law-enforcement agency policy that defines what types of law-enforcement telecommunication should or should not be encrypted. DCJS anticipates the need to employ the services of a relevant subject matter expert in order to develop the necessary model policies and estimates that this would require a one-time cost of up to $75,000.

DCJS also anticipates the need for one additional wage employee to review the model policies, assist law-enforcement agencies with implementation of the model policies, and provide periodic updates. This would require $56,516 in ongoing personnel expenses (based on estimated compensation of $35/hour plus FICA).

Any impact to the Freedom of Information Advisory Council is not known at this time.

Other: None