

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

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ORIGINAL

Bill Number: HB1712H1 **Patron:** Watts
Bill Title: Arrest of certain persons with or without a warrant not required.

Bill Summary: Provides that no law-enforcement officer with the power to arrest is required to arrest an individual who is currently subject to an emergency custody order, temporary detention order, or involuntary admission pursuant to § 37.2-817 (i) for an offense committed in his presence or (ii) based on probable cause, personal observations, the reasonable complaint of a person who observed the alleged offense, or upon personal investigation.

The bill further provides that the Department of Criminal Justice Services, in conjunction with the Office of the Attorney General, shall (i) provide and require in-person or virtual training to all law-enforcement agencies and officers and (ii) provide information to advise attorneys for the Commonwealth on the provisions of the bill and other existing statutes related to the arrest and prosecution of persons with mental or behavioral health disorders by January 1, 2026. The bill requires any person employed as a law-enforcement officer prior to January 1, 2026, to complete such training by July 1, 2026, and biennially thereafter, and any person employed as a law-enforcement officer after January 1, 2026, to complete the training within one year of his date of hire and biennially thereafter.

Lastly, the bill directs the Criminal Justice Services Board to promulgate regulations pursuant to relevant law requiring in-person or virtual training to special conservators of the peace on the provisions of the bill and other existing statutes related to the arrest and prosecution of persons with mental or behavioral health disorders by January 1, 2026. The bill requires any person appointed as a special conservator of the peace prior to January 1, 2026, to complete the training by July 1, 2026, and biennially thereafter, and any person appointed as a special conservator of the peace after January 1, 2026, to complete the training within one year of his appointment and biennially thereafter.

This bill is a recommendation of the Behavioral Health Commission.

Budget Amendment Necessary: No **Items Impacted:** N/A
Explanation: N/A

Fiscal Summary: According to the Department of Criminal Justice Services (DCJS), the proposed legislation is not expected to have a material fiscal impact to DCJS. However, DCJS anticipates a potential fiscal impact to local law enforcement agencies, as well as law enforcement training academies. The extent of this impact is indeterminate.

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Fiscal Analysis: According to DCJS and the Office of the Attorney General (OAG), the proposed legislation is not expected to have a material fiscal impact on agency operations. However, local law enforcement agencies in Virginia may incur travel costs, as well as the cost of having officers away from their core responsibilities in order to attend the mandated in person or virtual training as required in the bill. In addition, the 40 law enforcement training academies would incur the cost of in-person or virtual training of every law enforcement officer in their academy. Training academies would also be responsible for delivery of this training within the time frames outlined in the bill while maintaining their other training responsibilities. While indeterminate, the cost to local law enforcement and local law enforcement training academies could be meaningful.

Other: Similar to SB1194