



## DEPARTMENT OF AUDITS AND ACCOUNTS

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December 21, 2016

Honorable Jesse Petrea  
State Representative  
404-D Coverdell Legislative Office Building  
Atlanta, GA 30334

SUBJECT: Fiscal Note  
House Bill (LC 41 0840)

Dear Representative Petrea:

This bill would make the Georgia Bureau of Investigation (GBI) responsible for issuing guidelines to be used by jails to determine the nationality of a confined person.<sup>1</sup> Jails would be required to provide GBI with a monthly listing of the names, aliases, nationality, violations or charges, and prior arrests and convictions of all non-citizens detained in the jail during the prior month. Jails must also provide a list of individuals released during the previous month who were the subject of a request for non-release by U.S. Immigration and Customs Enforcement (ICE). Both lists would be published each month on GBI's website. GBI would also be responsible for ensuring that jails comply with the statute and for reporting the local governments that fail to do so to state funding providers who may withhold state and federal funding for law enforcement during the period of noncompliance.

GBI officials indicated that the bill would result in one-time and recurring costs. As shown in **Table 1**, the costs to implement the required monthly reporting function would include approximately \$75,000 in one-time computer equipment costs and recurring costs of approximately \$227,000 annually for a database administrator, two help desk analysts, and ongoing IT costs. These costs would provide for the creation and management of a web-based database for local authorities to enter the required information and publication of the reports, as well as staff to deal with the jails submitting the information and those making requests as a result of the published material (e.g., additional information; incorrect information). Our estimate does not include any compliance costs that may be incurred by local governments.

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<sup>1</sup> State law currently makes the Georgia Sheriffs Association responsible for issuing these guidelines.

**Table 1. GBI costs associated with LC 41 0840**


<b>One Time Costs</b>	Amount
Web Server	\$22,500
Data Server	\$27,500
SQL Server and Licensing	\$20,000
<u>Windows License</u>	<u>\$5,000</u>
One-Time Total	\$75,000
<b>Recurring Costs</b>	
Database Administrator/Programmer (1)	\$84,152
Help Desk Analysts (2)	\$119,550
<u>Server</u>	<u>\$23,345</u>
Annual Total	\$227,047

It should be noted that GBI personnel noted that portions of the proposed legislation may conflict with federal and state law restricting the publication of an individual's criminal history, specifically requiring the publication of "*all known prior arrests and convictions of such person in the United States.*" Federal regulations (28 CFR § 20.33) and Georgia statutes (O.C.G.A. §§ 35-3-34 and 35-3-37) limit the release of certain criminal history information to specific parties.

Sincerely,



Greg S. Griffin  
State Auditor



Teresa A. MacCartney, Director  
Office of Planning and Budget