

Department of Planning and Budget 2003 Fiscal Impact Statement

1. Bill Number HB2786

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron Melvin

3. Committee Courts of Justice

4. Title Commonwealth's failure to provide discovery.

5. Summary/Purpose: Provides that the Commonwealth's willful failure to obey a court order to provide discovery to a defendant is a Class 1 misdemeanor. The bill also expands discovery available to a defendant, consistent with the federal rules.

6. Fiscal Impact Estimates: See Item 8.

7. Budget amendment necessary: No.

8. Fiscal implications: The impact of the proposed legislation is not known. It cannot be determined how many attorneys for the Commonwealth might fail to comply with an order of the court. According to the Department of State Police, in 2002 there were approximately 235,000 criminal arrests which discovery may have been an issue. It is also not known how many defendants might request the State Police to investigate an instance of noncompliance by attorneys for the Commonwealth. The department estimates the proposed legislation could cost from \$518,000 to \$740,000 and require seven to ten positions.

If it is determined that an attorney for the Commonwealth has not complied with the legislation, the attorney is guilty of a Class 1 misdemeanor. As such, the attorney is subject to a sentence of up to 12 months in jail. Any increase in jail population will increase costs to the state. It is anticipated that any potential increase would be minimal.

The Commonwealth pays the localities \$8.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail. It also funds the majority of the jails' operating costs, e.g. correctional officers. The state's share of these costs varies from locality to locality. According to the Compensation Board's most recent Jail Cost Report (FY 2001), the estimated total state support for local jails averaged \$31.83 per inmate, per day in FY 2001.

9. Specific agency or political subdivisions affected: Compensation Board, Department of State Police, local and regional jails.

10. Technical amendment necessary: No.

11. Other comments: None.

Date: 01/27/03/jgc

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cc:SecretaryofAdministration