

Department of Planning and Budget 2006 Fiscal Impact Statement

1. Bill Number HB1030ER

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

2. Patron Hurt

3. Committee Passed Both Houses

4. Title Marijuana; field test for evidence at trial.

5. Summary/Purpose: This legislation proposes to amend and reenact § [19.2-188.1](#) of the Code of Virginia to provide that in any trial for marijuana possession, any law-enforcement officer shall be permitted to testify as to the results of any field test approved by the Department of Forensic Science, regarding whether or not any plant material, the identity of which is at issue, is marijuana. The bill also provides an opportunity for defense counsel to require full laboratory analysis.

6. No Fiscal Impact: See item #8.

7. Budget amendment necessary: No.

8. Fiscal implications: The Department of Forensic Science (DFS) advises that this legislation will have no adverse fiscal impact on that agency. The bill requires that all defendants be given written notice of their rights to request a full chemical analysis of the suspect plant material. However, any costs associated with the production of that written notice will be borne by the law enforcement agency. According to the Code of Virginia, defendants already are entitled to have the full test completed by DFS, therefore there should be no additional costs associated with providing the analysis. The agency acknowledges that there will be some minor costs associated with the requirement that the Board of Forensic Science promulgate regulations to implement the provisions of this act within 280 days of its enactment in accordance with Virginia Code Section [2.2-4011](#) (A). Those costs can be absorbed by the agency.

The agency further estimates that while there will be additional costs to the agency in supplying the certified field test kits to law enforcement agencies across the Commonwealth of approximately \$100,000, there should also be a significant reduction in the number of drug cases being submitted to the laboratory for analysis. DFS estimates that approximately 25-30 percent of the simple possession samples will no longer be sent for analysis, resulting in an actual savings to the agency. That amount of the savings is impossible to estimate at this time.

9. Specific agency or political subdivisions affected: Department of Forensic Science, local law enforcement agencies and Commonwealth's Attorneys.

10. Technical amendment necessary: None.

11. Other comments: None.

Date: 03/22/06 / MEM

Document: G:\FIS\06\DFS\HB1030ER.Doc Michael McMahon

cc: Secretary of Public Safety