

## Department of Planning and Budget 2006 Fiscal Impact Statement

**1. Bill Number** HB545

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

**2. Patron** Griffith

**3. Committee** Courts of Justice

**4. Title** Field test for marijuana 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 marijuana field test, approved by the Department of Forensic Science, regarding whether or not any plant material is marijuana.

**6. No Fiscal Impact:** See item #8.

**7. Budget amendment necessary:** No.

**8. Fiscal implications:** The fiscal implication of this legislation is difficult to clearly identify. The Department of Forensic Science (DFS) advises that should this legislation be approved, this change may actually reduce the costs to the Commonwealth as it would eliminate a portion of the evidence submitted for analysis to DFS, helping to reduce caseload backlogs. However, it will be difficult to estimate those savings as it cannot estimate the number of cases. The bill includes language that the defendant may require the Department to perform an analysis on the material to verify its identity. DFS advises that this language is not necessary as § 9.1-1104 of the Code of Virginia already allows any defendant or his attorney to file a motion with the court seeking the Department to perform testing in his case where he certifies that in good faith he believes a scientific investigation may be relevant to the criminal charge. Therefore, no additional costs would be incurred as a result of this provision.

**9. Specific agency or political subdivisions affected:** The Department of Forensic Science, the courts, Commonwealth's Attorneys, law enforcement, defense attorneys and defendants are all affected constituents.

**10. Technical amendment necessary:** None.

**11. Other comments:** This bill is similar to HB1030.

**Date:** 01/24/06 / MEM

**Document:** G:\Fis\06\Dfs\Hb545.Doc Michael McMahon

cc: Secretary of Public Safety