

Department of Planning and Budget 2006 Fiscal Impact Statement

1. Bill Number SB251ER

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron Puller

3. Committee Passed Both Houses

4. Title Criminal procedure; compensation of expert witness.

5. Summary/Purpose: Eliminates the prohibition against compensating psychiatrists, clinical psychologists, or other experts who are employed by the Commonwealth and are appointed by the court to render professional service in trials involving an insanity defense or after conviction in a case in which the offense indicates sexual abnormality. The bill limits such compensation to that which is provided during non-state hours and that is approved as being outside the scope of state employment.

6. Fiscal Impact Estimates are: Final. See Item 8.

6a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2006-07	50,000	0	General Fund
2007-08	50,000	0	General Fund
2008-09	50,000	0	General Fund
2009-10	50,000	0	General Fund
2010-11	50,000	0	General Fund
2011-12	50,000	0	General Fund

7. Budget amendment necessary: Yes. Item 32.

8. Fiscal implications: This bill would allow state employees to be paid under Virginia Code § 19.2-175 for forensic evaluations and court appearances if the service was performed during non-state hours and was approved as being beyond the scope of state employment duties.

According to the Supreme Court, approximately 125 of these evaluations and appearances take place each fiscal year. If these are currently being done by state employees within the scope of their employment and would then be done outside of that scope, based on the \$400 fee, the fiscal impact would be \$50,000 per fiscal year and would be paid from the Criminal Fund. Neither the House nor the Senate proposed an amendment to fund this legislation.

9. Specific agency or political subdivisions affected: Court System, Criminal Fund.

10. Technical amendment necessary: No

11. Other comments: This bill is identical to HB 789ER.

Date: 03/02/06 / tmb