

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: SB369

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

2. Patron: Watkins

3. Committee: Senate Courts of Justice

4. Title: Indigent defendants; right to ex parte hearing for appointment of experts in capital cases.

5. Summary: Provides that an indigent defendant who has been charged with a capital offense may move for the appointment of experts to assist in the preparation of his defense. The court shall hold an ex parte hearing on such a motion and may order the appointment of an expert. The expert's work product is protected by attorney-client privilege; however, the defendant shall comply with the discovery rules set forth in the Rules of the Supreme Court.

6. Fiscal Impact Estimates: Indeterminate (see Item 8)

7. Budget Amendment Necessary: No

8. Fiscal Implications: According to the Supreme Court of Virginia, if this legislation results in an increase in the number of experts appointed to assist indigent defendants in capital cases, then it will have a direct impact on the Criminal Fund administered by the courts. However, it is unknown how many cases it may impact. In addition, if more indigent capital case defendants seek experts, there will be some increase in hearings, as ex parte hearings are provided for by this legislation. An increase in the number of hearings would involve additional time for circuit court judges and clerks, but data is not available to project specific numbers.

9. Specific Agency or Political Subdivisions Affected: Courts

10. Technical Amendment Necessary: No

11. Other Comments: Same as SB111

Date: 1/24/2008 DPB

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