

# Department of Planning and Budget

## 2010 Fiscal Impact Statement

**1. Bill Number: SB 520**

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: Norment**

**3. Committee: Passed both houses**

**4. Title: Capital murder**

**5. Summary:**

The proposed legislation would make the premeditated killing of an auxiliary police officer or an auxiliary deputy sheriff, when such killing is for the purpose of interfering with the performance of the official duties of such officer, a capital offense.

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

**7. Budget Amendment Necessary:** None.

**8. Fiscal Implications:**

The penalty for anyone convicted of a capital offense is execution or a life sentence.

Anyone committing this offense would be likely to receive a lengthy sentence under current statutory provisions. Therefore, this legislation would not have a significant impact on the number of inmates in prison.

The legislation could result in additional trial costs, however. By their very nature, capital trials in which the death penalty is sought by the prosecution are more expensive than other murder trials. For indigent defendants, the Commonwealth must provide two attorneys, in addition to bearing the costs of an investigator and expert witnesses. For the prosecution, there are similar additional costs, as well. Defendants convicted of a capital offense and sentenced to death are entitled to appeal to the Virginia Supreme Court and such cases are often appealed further to the U.S. Supreme Court. At each appeals stage, indigent offenders are entitled to legal representation provided by the Commonwealth. The compensation limits usually applicable to court-appointed attorneys do not apply to capital cases.

Although capital trials involving the death penalty, and their subsequent appeals, are more costly to conduct, it is not possible to project what additional costs, if any, would result from the proposed legislation because it is not known how many additional cases would occur nor in how many of such cases the prosecutor would seek the death penalty.

**9. Specific Agency or Political Subdivisions Affected:**

Department of Corrections  
Supreme Court  
Indigent Defense Commission

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** Identical to HB 934, which has passed both houses.

Date: 3/21/2010 dpb

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