

## Department of Planning and Budget 2011 Fiscal Impact Statement

**1. Bill Number:** HB1698ER

<b>House of Origin</b>	<input 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 checked="" type="checkbox"/> Enrolled

**2. Patron:** Athey

**3. Committee:** Passed Both Houses

**4. Title:** Sexually violent predators

**5. Summary:** Establishes a procedure for rescission of a sexually violent predator's refusal to participate with a mental health examination.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** Final (Indeterminate - see Item #8)

**8. Fiscal Implications:** The mental health examination associated with the civil commitment of a sexually violent predator is paid from the Criminal Fund (Va. Code § 37.2-907). This section allows for payment of an expert for the respondent at state expense, a reasonable fee not to exceed \$5,000, plus a witness fee of \$750 and mileage for each day the expert is required to appear. Any fiscal impact would be tied to the cost of additional examination fees and witness fees multiplied by whatever number of respondents who currently refuse to cooperate but who would, under the new provisions, rescind their refusal.

The Supreme Court estimates, based on the experience of the costs for previous cases, a fiscal impact to the Criminal Fund of \$2,800 for any defendant or prisoner who rescinds his refusal to cooperate. However, since it cannot be determined how many prisoners or defendants will rescind such a refusal, the total fiscal impact cannot be determined.

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

**10. Technical Amendment Necessary:** No

**11. Other Comments:** Same as SB1275

**Date:** March 1, 2011

**Document:** G:\2011 FIS\HB1698ER.Doc Reginald Thompson  
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