

Department of Planning and Budget 2015 Fiscal Impact Statement

1. Bill Number: HB1434

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

2. Patron: O'Bannon

3. Committee: Courts of Justice

4. Title: Competency and sanity evaluations; audiovisual recording.

5. Summary: Provides that any evaluator evaluating a defendant's competency to stand trial or sanity shall, if practicable, make an audiovisual recording of any interview conducted with the defendant. The bill provides that the failure to make such a recording does not affect the admissibility of the evaluator's evidence, but the court may consider such failure in determining the weight given to such evidence.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary

8. Fiscal Implications: This bill implores, but does not require, court-appointed evaluators or expert obtained by the defense to make an audiovisual recording, when practicable, of any interview(s) with the defendant when the purpose of said interview(s) is/are to determine the defendant's sanity. Because this is not an absolute mandate, there is no measurable fiscal impact. Additionally, it's impractical to determine at this time which magistrates have the resources to provide such recordings, if they so choose, and which magistrates would require expenditures to obtain such resources. Such determinations would require a survey of magistrates across the Commonwealth as to the resources available for such recordings and if said resources would require ongoing expenditures.

9. Specific Agency or Political Subdivisions Affected: Local magistrates

10. Technical Amendment Necessary: No

11. Other Comments: None