

## Department of Planning and Budget

### 2017 Fiscal Impact Statement

**1. Bill Number:** HB2328ER

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

**2. Patron:** Collins

**3. Committee:** Passed Both Houses

**4. Title:** Inability to pay fees or costs on account of poverty; guidelines.

**5. Summary:** Requires the court to consider factors set forth in subsection B of Va. Code § 19.2-159 for determining indigency for the appointment of counsel in determining a person's inability to pay fees or costs on account of poverty in a civil action.

**6. Budget Amendment Necessary:** No

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

**8. Fiscal Implications:** The proposed bill provides guidelines for the process of qualifying a potential plaintiff or defendant for *in forma pauperis* status in a civil case. *In forma pauperis* indicates that permission has been granted by a court to an indigent person to initiate a legal action without having to pay for court fees or costs due to his or his lack of financial resources.

The proposed legislation would direct the court to consider the statutory criteria specified in Virginia Code § 19.2-159, which are the considerations to be employed in determining eligibility for court-appointed counsel in a criminal case. According to the Office of the Executive Secretary of the Supreme Court (OES), many courts already exercise their discretion to utilize existing statutory criteria in Virginia Code § 19.2-159; therefore, the proposed legislation is not expected to have a material fiscal impact.

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

**10. Technical Amendment Necessary:** No

**11. Other Comments:** Similar to SB1305