

## **Department of Planning and Budget 2019 Fiscal Impact Statement**

**1. Bill Number:** SB1137S1

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

**2. Patron:** Favola

**3. Committee:** Courts of Justice

**4. Title:** Death penalty; severe mental illness.

**5. Summary:** Eliminates the death penalty as punishment for any offender who is charged with a capital crime if a judge or jury determines that the offender had a serious mental illness when the crime was committed. The proposal defines “severe mental illness” and sets out evaluation procedures for determining whether the defendant qualifies. The proposal also sets out procedures for the presentation of evidence during trial including a requirement for written notice, at least 60 days before trial, of intention to present testimony supporting a claim of severe mental illness. The substitute bill allows the court, at its discretion, to bar the defendant from presenting evidence where the defendant is unable to show good cause for untimely notice.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** Preliminary. See Item 8 below.

**8. Fiscal Implications:** According to Department of Corrections’ data, there are currently three inmates serving death sentences. All three of these offenders were sentenced before October 2011. The proposed legislation is not expected to have a measurable impact on state-responsible (prison) bed space needs. The Virginia Criminal Sentencing Commission has assigned a \$0 impact to this bill based on its analysis of six years of historical capital crime sentence data.

According the Department of Behavioral Health and Developmental Services, this bill is not expected to impact agency operations.

**9. Specific Agency or Political Subdivisions Affected:** Department of Corrections

**10. Technical Amendment Necessary:** None

**11. Other Comments:**