Department of Planning and Budget
2011 Fiscal Impact Statement

1. **Bill Number:** HB1698

House of Origin	☒ Introduced	☐ Substitute	☐ Engrossed
Second House	☐ In Committee	☐ Substitute	☐ Enrolled

2. **Patron:** Athey

3. **Committee:** House Committee for Courts of Justice

4. **Title:** Sexually violent predators

5. **Summary:** Establishes a procedure for rescission of a respondent's refusal to participate with a mental health examination and makes clear that a sheriff who is transporting a respondent for purposes of a hearing or annual review is not required to keep the respondent segregated by sight and sound from other prisoners.

6. **Budget Amendment Necessary**: No

7. **Fiscal Impact Estimates:** 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:** None

   Date: February 2, 2011
   Document: G:\2011 FIS\HB1698.Doc   Reginald Thompson
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