

## Department of Planning and Budget 2013 Fiscal Impact Statement

**1. Bill Number:** HB1364

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

**2. Patron:** Morrissey

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

**4. Title:** Court-appointed experts; compensation in criminal cases.

**5. Summary:** Provides that counsel for the defendant may request a waiver on the maximum limitation of compensation for a psychiatrist, clinical psychologist, or other expert appointed by the court to render professional service in a criminal case other than capital murder, currently set at \$750, in an amount up to an additional \$750, depending on the time and effort expended by the expert, the novelty and difficulty of the case in which the professional service was rendered, and other circumstances warranting such a waiver.

**6. Budget Amendment Necessary:** No

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

**8. Fiscal Implications:** While this bill would not necessarily increase the number of mental health evaluations required in criminal cases, it would likely increase the amount paid by the Criminal Fund pursuant to Virginia Code 19.2-175 for such evaluations, by permitting the court to waive the current \$750 statutory cap for such evaluations and award up to an additional \$750 per evaluation for a potential total compensation of \$1,500. During FY2012, a total of 2,466 criminal defendants underwent mental health evaluations pursuant to §19.2-175 at a cost to the Commonwealth of \$1,388,000. While it is not possible to predict how many waivers would be awarded at what level, it is reasonable to expect that the total cost to the Commonwealth of these evaluations will increase. For example, if waivers of 50 percent of the allowable amount (i.e., \$375) were to be awarded in one-third of the evaluations, the fiscal impact of this bill on the Commonwealth would be approximately \$300,000 (\$375 X 814).

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

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None

**Date:** January 30, 2013

**Document:** G:\FY 2013 FIS\HB1364 - Court Appointed Experts.Doc