

Department of Planning and Budget 2016 Fiscal Impact Statement

1. Bill Number: SB797

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

2. Patron: McDougle

3. Committee: Senate Committee for Courts of Justice

4. Title: Competency to stand trial; evaluations.

5. Summary: Allows the court on its own motion or that of either party to request an additional evaluation of the defendant's competency to stand trial after receipt of the first competency evaluation.

6. Budget Amendment Necessary: Yes, Item 42

7. Fiscal Impact Estimates: Preliminary (see Item 8)

8. Fiscal Implications: According to the Office of the Executive Secretary of the Supreme Court of Virginia (OES), the proposed legislation will likely have a fiscal impact on the Criminal Fund appropriation.

In criminal cases, the proposed legislation would permit the trial court, on its own motion or that of either party, to request an additional evaluation of the defendant's competency to stand trial after receipt of the first competency evaluation. By statute, these evaluations are compensated from the Criminal Fund at a rate of \$400 per evaluation (Va. Code § 19.2-175). In FY 2016, there were 2,521 such evaluations conducted. If this legislation passes, it is foreseeable that additional evaluations would be ordered and paid from the Criminal Fund. It is not possible to project how often these additional evaluations would be sought and ordered; however, the following table provides some indication as to the potential impact on the Criminal Fund:

	Fiscal Impact on the Criminal Fund
5 percent increase in evaluations over FY 2016 levels (approximately 126 additional evaluations)	\$50,400
10 percent increase in evaluations over FY 2016 levels (approximately 252 additional evaluations)	\$100,800
20 percent increase in evaluations over FY 2016 levels (approximately 504 additional evaluations)	\$201,600

9. Specific Agency or Political Subdivisions Affected: Courts

10. Technical Amendment Necessary: No

11. Other Comments: None