

## Department of Planning and Budget 2018 Fiscal Impact Statement

**1. Bill Number: HB 758**

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

**2. Patron: Leftwich**

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

**4. Title: Capital punishment**

**5. Summary:**

Under current law, persons convicted of capital murder, who were less than 18 years old at the time of the offense or who have an intellectual disability, may not be given the death penalty, but be imprisoned for life, instead. The proposed legislation would also bar the death penalty for persons determined to have a severe mental illness at the time of the offense. The legislation defines “severe mental illness” and sets out procedures for determining whether the defendant has a severe mental illness and for presentation of evidence.

**6. Budget Amendment Necessary: Yes. Item 391.**

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

**Expenditure Impact:**

<i><b>Fiscal Year</b></i>	<i><b>Dollars</b></i>	<i><b>Fund</b></i>
2019	\$50,000	General
2020	\$0	
2021	\$0	
2022	\$0	
2023	\$0	
2024	\$0	

**8. Fiscal Implications:**

Because the proposed legislation would bar the death penalty for certain offenders, it could result in the need for additional prison beds.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on

state-responsible (prison) bed space cannot be determined. In such cases, Chapter 836 of the 2017 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to the bill.

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

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** None.