

## Department of Planning and Budget 2020 Fiscal Impact Statement

**1. Bill Number:** HB873H1

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

**2. Patron:** Bourne

**3. Committee:** Committee on the Judiciary

**4. Title:** Discovery in criminal cases; penalties.

- 5. Summary:** The proposed legislation sets out specific requirements and procedures for discovery by an accused and by the Commonwealth in a criminal case. The bill requires a party requesting discovery to request that the other party voluntarily comply with such request prior to filing any motion before a judge. Upon receiving a negative or unsatisfactory response, or upon the passage of seven days following the receipt of the request without response, the party requesting discovery may file a motion for discovery with the court. The bill details information that is subject to discovery and provides a mechanism for redaction of certain personal identifying information. The bill also creates a procedure for either party to move the court to enter a protection order with regard to discovery and, if granted, the court may order any condition limiting, but not preventing, disclosure, so long as the condition is necessary to the orderly adjudication of the case or to the fair administration of justice.

**6. Budget Amendment Necessary:** No.

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

**8. Fiscal Implications:** According to the Office of the Attorney General, the fiscal impact resulting from this legislation cannot be determined at this time.

While the legislation may increase the workload of the courts and the Commonwealth's attorney, the fiscal impact cannot be determined at this time. However, The Virginia Indigent Defense Commission anticipates a minimal fiscal impact as a result of the proposed legislation.

The substitute version also includes an enactment clause stating that the provisions of the act will become effective in due course, unless the amendments to Rule 3A:11 and 3A:12 of the Rules of Virginia Supreme Court adopted on September 5, 2018, become effective on July 1, 2020.

**9. Specific Agency or Political Subdivisions Affected:** Office of the Attorney General, Commonwealth's Attorneys, Courts, Department of Forensic Science, Indigent Defense Commission.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** The bill incorporates HB1153.