

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: SB645

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

2. Patron: Cosgrove

3. Committee: Senate Committee on the Judiciary

4. Title: Evidence of defendant's mental condition

5. Summary: The proposed bill repeals provisions permitting the admission of evidence by the defendant concerning a defendant's mental condition at the time of an alleged offense, including expert testimony, if such evidence is relevant, is not evidence concerning an ultimate issue of fact, and (i) tends to show the defendant did or did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. The bill also removes provisions permitting a court to issue an emergency custody order in cases where such evidence was admitted and repeals provisions requiring the Office of the Executive Secretary of the Supreme Court to collect data regarding the cases that use such evidence.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: The Office of the Executive Secretary of the Supreme Court does not separately track the experts compensated under § 19.2-271.6 (Evidence of defendant's mental condition admissible; notice to Commonwealth). Therefore, it cannot be determined how much has been paid in proceedings under this statute.

Since the proposed bill would eliminate statutory language that authorized payment for experts under § 19.2-271.6, it is reasonable to assume there would be fewer payments for experts from the Criminal Fund appropriations. However, the amount cannot be quantified.

9. Specific Agency or Political Subdivisions Affected: Courts

10. Technical Amendment Necessary: No

11. Other Comments: None