

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: SB1436S1

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Dunnavant

3. Committee: House Committee for Courts of Justice

4. Title: Testing of certain persons for sexually transmitted infections.

5. Summary: The substitute bill provides that as soon as practicable following arrest, the attorney for the Commonwealth may request after consultation with any complaining witness, or request upon the request of the complaining witness, that any person charged with certain specified crimes be requested to submit to testing for sexually transmitted infections, as that term is defined in the bill. The bill provides that if the request is denied, a court finding probable cause shall order such testing.

6. Budget Amendment Necessary: Indeterminate

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

8. Fiscal Implications: The proposed bill would allow Commonwealth Attorneys to request that a person arrested for specific sexual offenses submit to diagnostic testing for sexually transmitted diseases after consulting with the complaining witness. If the defendant refuses to submit to testing, the court may order the accused to undergo testing if it is determined that there is probable cause that the individual committed the crime with which he is charged.

Any diagnostic tests for sexually transmitted diseases (STDs) conducted on defendants pursuant to this legislation would be paid for from the Criminal Fund. It cannot be ascertained how many complaining witnesses would request that a diagnostic test for STDs be conducted. Therefore, the fiscal impact on the Criminal Fund is indeterminate.

9. Specific Agency or Political Subdivisions Affected: Courts

10. Technical Amendment Necessary: No

11. Other Comments: None