

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: SB296 E

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

2. Patron: Deeds

3. Committee: Judiciary

4. Title: Sentencing proceeding by jury after conviction; relevant mitigating evidence.

5. Summary: This bill amends § 19.2-295.1 (Sentencing proceeding by the jury after conviction) by allowing relevant evidence that may be admissible by the defendant during the sentencing phase by a jury to include information on the circumstances surrounding the offense, the history and background of the defendant, and any other facts in mitigation of the offense.

The engrossed bill provides that any relevant evidence and facts in mitigation that may be considered by a jury when ascertainment of punishment by jury has been requested by the accused also may be considered by the court when the court fixes punishment.

6. Budget Amendment Necessary: Indeterminate

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

8. Fiscal Implications: According to the Department of Corrections, this bill would likely increase the number of pre-sentencing investigations (PSIs) that are conducted by probation and parole officers. However, no data is available to determine the number of additional PSIs that would be requested by the court. Therefore, the fiscal impact resulting from the increased workload cannot be estimated at this time. This bill is not expected to have a material impact on courts.

9. Specific Agency or Political Subdivisions Affected: Department of Corrections, Commonwealth's Attorneys, Courts

10. Technical Amendment Necessary: No

11. Other Comments: None