Department of Planning and Budget
2025 General Assembly Session
State Fiscal Impact Statement

PUBLISHED: 2/3/2025 11:49 AM **ORIGINAL**

Bill Number: HB2746 H1 **Patron:** Tran
Bill Title: Incapacitated persons; finding of mental incompetence.

Bill Summary: The substitute bill establishes § 64.2-2009.2, which requires a court to make a finding by clear and convincing evidence that a person lacks the capacity to understand the act of voting before disqualifying him to vote. The substitute bill provides that any person who was deemed disqualified to vote due to lack of capacity for the purposes of Article II, Section 1 of the Constitution of Virginia prior to July 1, 2025, may petition the court that made such determination for the limited purpose of a review of such determination in accordance with the provisions of this section.

The substitute bill requires the court to periodically review whether a respondent's incapacity status pursuant to the new provision has changed.

Budget Amendment Necessary: Indeterminate **Items Impacted:** Indeterminate
Explanation: See below

Fiscal Summary: According to the Office of the Executive Secretary of the Supreme Court (OES), this bill may lead to more petition hearings, which would increase the workload of courts. However, it is not possible to estimate the increase at this time. Therefore, the fiscal impact of this provision is indeterminate.

According to the Department of Elections, this bill is not expected to have a fiscal impact on agency operations. Any fiscal impact this bill may have on clerks of the court is not known at this time.

Fiscal Analysis: None required

Other: None