

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

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ORIGINAL

Bill Number: SB963 ER
Bill Title: Discovery.

Patron: Carroll Foy

Bill Summary: Allows the accused to request the Commonwealth to copy or photograph any discovery materials or evidence he is permitted to inspect and review, including relevant police reports, criminal records, and body-worn camera footage, and requires the Commonwealth to provide such copies or photographs, electronically or otherwise, to him or his counsel.

The bill requires that if discovery is requested by counsel of record for the accused, the Commonwealth must provide such discovery by electronic means unless (i) such counsel of record requests a physical copy or (ii) such material is prohibited from being distributed by law or impossible to provide by electronic means. If such material is impossible to provide by electronic means, the Commonwealth is required to provide a physical copy unless such material is prohibited from being distributed by law.

The bill requires that, in any district court in a case prosecuted by the attorney for the Commonwealth, the attorney for the Commonwealth must provide to counsel of record for the accused, if requested, a copy of any police report related to the case charged at least 10 days prior to the date the case is set for trial or preliminary hearing, provided that counsel of record agrees to any reasonable redaction or restricted dissemination as requested by the attorney for the Commonwealth.

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

Fiscal Summary: This bill is expected to have a fiscal impact on Commonwealth's Attorneys due to increased workloads associated with providing electronic or physical copies of evidence. However, because the phrase "impossible to provide by electronic means" is unclear, it is difficult to assess the fiscal impact this bill may have.

General Fund Expenditure Impact:

<u>Agency</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Compensation Board (Commonwealth's Attorneys)		Indeterminate	Indeterminate	Indeterminate	Indeterminate	Indeterminate
TOTAL		Indeterminate	Indeterminate	Indeterminate	Indeterminate	Indeterminate

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Position Impact:

<u>Agency</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
Compensation Board (Commonwealth's Attorneys)		Indeterminate	Indeterminate	Indeterminate	Indeterminate	Indeterminate
TOTAL		Indeterminate	Indeterminate	Indeterminate	Indeterminate	Indeterminate

Fiscal Analysis: The Commonwealth's Attorneys' Services Council (CASC) expects that there would be a fiscal impact associated with the production of physical copies and the work associated with redacting personally identifiable information. According to the Compensation Board, many Commonwealth Attorney's offices lack the equipment and software needed to provide electronic discovery. CASC and the Virginia Association of Commonwealth's Attorneys (VACA) provided two quotes for automated systems to manage digital evidence that ranged from \$14 million to \$17 million. However, it is possible that the requirements of the bill could be met with additional staff and other forms of equipment or software. Estimates for these costs are not available at this time.

According to the Office of the Executive Secretary of the Supreme Court (OES), this bill does not have a fiscal impact on Courts.

Other: None