

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: HB240

Patron: Gardner

Bill Title: Admission to bail; fixing terms of bail; mental health considerations.

Bill Summary: Requires the judicial officer, prior to conducting any hearing on the issue of bail, release, or detention, to obtain the person's criminal history and any emergency custody or temporary detention order or involuntary admission issued for such person. The bill also requires the judicial officer to consider any emergency custody or temporary detention order or involuntary admission issued for the person when determining admission to bail. Lastly, the bill requires the judicial officer to take into account the following factors in fixing the terms of bail if such person is admitted to bail: (i) whether the person is likely to obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a family or household member as defined in relevant law; (ii) the history of the accused or juvenile, including medical, mental health, including any emergency custody or temporary detention order or involuntary admission issued pursuant to relevant law, or substance abuse treatment; (iii) any evidence the person provided indicating that such person (a) is currently pregnant, (b) has recently given birth, or (c) is currently nursing a child; and (iv) whether such person will be an unreasonable danger to himself, family or household members as defined in relevant law, or the public.

Budget Amendment Necessary: None

Items Impacted: N/A

Explanation: N/A

Fiscal Summary: According to the Office of the Executive Secretary (OES) of the Supreme Court of Virginia, this bill does not have an impact on Courts.

Fiscal Analysis: Any unanticipated costs that may arise from the bill are expected to be absorbable with existing resources.

Other: None