

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

PUBLISHED: 2/5/2026 11:04 AM

**ORIGINAL**

**Bill Number:** HB1411 **Patron:** Schmidt  
**Bill Title:** Defendant; evidence of mental condition admissible.

**Bill Summary:** Provides that evidence of the defendant's mental condition at the time of the alleged offense may be admitted and considered even if such evidence is not definitive. The bill also provides that in any criminal case, evidence offered by the defendant concerning the defendant's mental condition at the time of the alleged offense shall be admitted if such evidence tends to show the defendant did not have the mental state required for the offense charged. The current standard requires that such evidence tend to show the defendant did not have the intent required for the offense charged.

**Budget Amendment Necessary:** Yes

**Items Impacted:** 33, 34, 35

**Explanation:** This bill provides that evidence regarding a defendant's mental condition at the time of the alleged offense shall be admitted if, among other things, it tends to show the defendant did not have the "mental state" required for the offense charged. Currently, such evidence is only allowed if it tends to show the defendant did not have the "intent" required for the offense charged. Additionally, this bill provides that evidence of the defendant's mental condition at the time of the alleged offense may be admitted and considered even if such evidence is not definitive.

**Fiscal Summary:** According to the Office of the Executive Secretary (OES) of the Supreme Court of Virginia, this bill would likely increase payments from the Criminal Fund each year; however, the actual financial impact upon the Criminal Fund is indeterminate.

**Fiscal Analysis:** According to the Office of the Executive Secretary (OES) of the Supreme Court of Virginia, this bill is likely to increase the number of defendants who wish, and are able, to enter evidence regarding their mental condition at the time of the alleged offense. Offering this evidence will require assessments and testimony by experts, who are paid for their services out of the Criminal Fund when the defendant has been determined to be indigent. The number of such defendants who would be inclined to enter this evidence based on the expanded standards for consideration cannot be determined. Although this bill would likely increase payments from the Criminal Fund each year, the actual financial impact upon the Criminal Fund is indeterminate.

**Other:** None.