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

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Bill Number: SB198 **Patron:** Favola
Bill Title: Admissibility of statements by individuals with developmental or intellectual disabilities in certain cases.

Bill Summary: Prohibits admission of any evidence from an individual with developmental disabilities or intellectual disabilities, as defined in relevant law, in certain criminal prosecutions unless the court finds by clear and convincing evidence that such individual's decision to speak to law enforcement was not caused by and did not have a direct and substantial relationship to such individual's disability.

Budget Amendment Necessary: No **Items Impacted:** N/A
Explanation: See fiscal analysis

Fiscal Summary: The impact of this bill on the operations of Commonwealth's Attorneys' offices is anticipated to have an increase to Commonwealth's Attorneys' workloads, but the fiscal impact is indeterminate at this time.

Fiscal Analysis:

According to the Commonwealth's Attorneys' Services Council (CASC), the provisions of the bill are anticipated to increase personnel workloads due to the requirement for Commonwealth's Attorneys to litigate the admissibility of any defendant's statements prior to trial. Under current law, defendants are required to file a motion to suppress statements when the defendant contends that law enforcement did not obtain the statements lawfully. The provisions of the bill require the Commonwealth to file and argue a pre-trial motion to prove that statements by the defendant are admissible, effectively requiring Commonwealth's Attorneys to follow this procedure in every case. As such, CASC estimates that the bill will likely add an additional 35,649 attorney work hours annually. However, the fiscal impact of the bill is indeterminate at this time.

The impact on the Office of the Attorney General (OAG) and the Compensation Board is not known at this time.

According to the Office of the Executive Secretary (OES) of the Supreme Court of Virginia, there is no anticipated fiscal impact from the bill.

Other: None.