

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

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ORIGINAL

Bill Number: HB172H1

Patron: Mehta

Bill Title: Criminal cases; request for a jury to ascertain punishment.

Bill Summary: This substitute bill provides that an accused may withdraw a request for a jury to ascertain punishment up until the commencement of the sentencing proceeding. The bill also provides that counsel for either party shall have the right to examine jurors regarding the potential range of punishment regardless of whether the jury will ascertain punishment and that the court or counsel for either party may inform any person or juror during voir dire as to the potential range of punishment to ascertain if the person or juror can sit impartially in the guilt or sentencing phase of the case. Current law provides that the court or counsel for either party may inform any person or juror during voir dire as to the potential range of punishment to ascertain if the person or juror can sit impartially in the sentencing phase of the case. In the case of a juvenile defendant, the court and counsel for either party may inform any such person or juror as to the potential punishment, or range or ranges of punishment, to ascertain if the person or juror can sit impartially in the guilt or sentencing phase of the case. However, the provisions of § 16.1-272 shall apply for sentencing of such juvenile.

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.