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

PUBLISHED: 2/20/2026 1:36 PM **ORIGINAL**

Bill Number: HB1411H2 **Patron:** **Schmidt**
Bill Title: Defendant; evidence of mental condition admissible.

Bill Summary: This substitute provides that evidence of a defendant's mental condition at the time of the alleged offense may be admitted and considered even if such evidence is not definitive. The substitute further clarifies 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 the evidence tends to show the defendant did not have the mental state required for the offense charged, rather than being limited to showing the defendant did not have the intent required for the offense charged.

Budget Amendment Necessary: Indeterminate **Items Impacted:** N/A
Explanation: See fiscal analysis below.

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.