

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

discovery material that cannot be provided electronically. Based on a 2024 cost estimate from a third-party vendor, the cost of developing and implementing a secure electronic file sharing system for all 120 Commonwealth Attorneys' offices will cost approximately \$21 million. The chosen system is similar to a system currently utilized by the Virginia Indigent Defense Council (VIDC) used to save and review police body camera footage. According to the VIDC, the annual cost for this system is \$353,000 to provide access to approximately 450 users. However, the fiscal impact associated with software development costs is indeterminate at this time, as the cost estimate from 2024 is likely outdated and there is currently not enough information to reliably estimate the current cost of procuring and implementing a secure online file sharing system.

In addition to software development costs, if discovery material cannot be provided via electronic means, physical copies are required to be provided which are anticipated to increase operational costs for materials such as printer paper, toner, and ink. According to CASC, a request for one gigabyte of digital data in physical form may require approximately 153,000 to 614,000 sheets of paper, depending on the contents of the data (i.e. texts, files, images, videos, etc.). CASC estimates that the material cost of converting one gigabyte of digital data to physical form to be approximately \$13,086, however it notes that modern computers can hold between 250 to 500 gigabytes of data. However, it is unclear how many requests for physical copies of discovery materials will be submitted and therefore the fiscal impact of this bill is indeterminate.

According to CASC, there are significant workload impacts anticipated from the bill associated with collecting, reviewing, redacting, digitizing, and printing discovery material. CASC estimates that the provisions of the bill may add an additional 13,000 to upwards of 120,000 attorney work hours depending on the type and number of cases that are affected by the provisions of the bill. However, it is unclear how many defense attorneys will request the provision of discovery materials pursuant to the provisions of the bill, and therefore, the fiscal impact on personnel workloads is indeterminate at this time.

According to the Compensation Board, many Commonwealth Attorney's offices lack the equipment and software needed to provide electronic discovery.

According to the Office of the Executive Secretary of the Supreme Court of Virginia and the Department of Criminal Justice Services (DCJS), this bill is not expected to have a material fiscal impact on agency operations.

Other: Related bill is HB118.