

Judicial

The adopted amendments for the Judicial Department for the 2008-10 biennium result in a net increase of \$4.5 million from the general fund, or 0.6 percent above the budget approved by the 2008 General Assembly. The only increases are \$5.4 million each year for the Criminal Fund and \$610,076 each year for the Involuntary Mental Commitment Fund. The reductions include: \$5.0 in judicial branch reductions as recommended by the Chief Justice (plus an additional \$3.0 million in projected unexpended balances the second year); a reduction of \$2.0 million to cap the funds available for increased reimbursement for court-appointed counsel for indigent defendants in criminal cases; and, a reduction of \$508,000 which eliminates funding for the judicial performance evaluation program. The adopted changes result in a total budget of \$814.9 million GF for the 2008-10 biennium.

The amendments as adopted eliminate the salary increases for justices and judges which were scheduled to take effect on November 25, 2009. However, the adopted amendments do not eliminate the salary increases for justices and judges which took effect on November 25, 2008, consistent with Article VI, Section 9 of the Constitution of Virginia, which states “The salary of any justice or judge may not be diminished during his term of office”.

- **Supreme Court of Virginia**

- ***Hiring Delay.*** Saves \$850,900 GF the first year and \$1.5 million GF the second year by delaying hiring for vacant positions by 90 days.
- ***Court-Appointed Counsel.*** Saves \$2.0 million GF the second year by capping the funding of waivers for increased reimbursement for court-appointed counsel for indigent defendants in criminal cases at \$4.2 million for FY 2010, which is equal to the amount provided for FY 2009.
- ***Judicial Performance Evaluation.*** Saves \$508,000 GF the second year by eliminating funding for the judicial performance evaluation program.
- ***Elimination of Positions.*** Saves \$146,400 GF the first year and \$292,800 GF the second year by eliminating three positions. This action results in three layoffs.
- ***Judges’ Annual and Sick Leave Balances.*** Saves \$147,250 GF the first year and \$294,500 GF the second year by eliminating the payment in cash of accrued annual and sick leave balances for district judges upon their retirement. (Annual and sick leave is not provided for Circuit Court judges, so there are no balances available to be paid upon their retirement.)
- ***Judges’ Commuting Expenses.*** Adds language to clarify that the reimbursement of Circuit and District court judges for commuting expenses outside of their domicile is to be limited to those cases where (i) the commuting distance between the judge’s residence and the courthouse exceeds 25 miles, and (ii) the residence and the courthouse are in different jurisdictions.

- ***Court Employees' Training.*** Saves \$120,000 GF the first year by canceling court employees' training.
- ***Judges' Education and Training.*** Saves \$148,000 GF the first year and \$338,000 GF the second year by canceling or reducing the length of selected judges' training conferences.
- ***Other Reductions.*** Saves \$130,000 GF each year by reducing out-of-state travel, publications, printing, postage, and contracts for services.
- ***Circuit Court Clerks Technology Fund.*** Adds \$104,280 NGF and one position to establish a statewide case management and financial management system, pursuant to Chapter 793 (HB 1946) and Chapter 858 (SB 1442) of the 2009 Acts of Assembly. These bills also require that the system provide an interface to Circuit Court Clerk systems that are provided by private vendors or their localities. The source of the nongeneral funds is the Circuit Court Clerks Technology Fund.
- ***Electronic Access Fee.*** Authorizes the Supreme Court to impose an additional access fee for each case filed electronically, with the proceeds deposited to the Courts Technology Fund to support statewide electronic filing systems.
- ***Services in Truancy Cases.*** Includes language directing the Executive Secretary of the Supreme Court to encourage training for juvenile judges in the use of options for providing court-ordered services such as counseling or substance abuse treatment for families in truancy cases.

- **Circuit Courts**

- ***Criminal Fund.*** Provides an additional \$5.4 million GF each year to address projected expenditure increases for the Criminal Fund.
- ***Attorney Fees in Capital Cases.*** Includes language authorizing the Supreme Court to set the hourly rates for compensation of court appointed counsel in cases involving felonies that may be punishable by death. Current language in the Code authorizes Circuit Court judges to set the fee. It is the intention of the Supreme Court to cap these fees at \$200 per hour in-court and \$150 per hour out-of-court.
- ***Court-Mandated Courthouse Improvements.*** Includes language authorizing local governing bodies to delay the implementation of court-ordered changes or improvements to court facilities, until June 30, 2010. An exception is provided for facilities that were already subject to litigation on or before November 30, 2008.

- **General District Courts**

- ***Involuntary Mental Commitment Fund.*** Provides \$610,076 GF each year to cover expected judicial cost increases in this fund. A companion amendment to the

Department of Medical Assistance Services provides additional funding for the hospitalization portion of the fund.

- **Judicial Inquiry and Review Commission**
 - *Budget Reductions.* Saves \$6,300 GF each year.
- **Virginia Criminal Sentencing Commission**
 - *Budget Reductions.* Saves \$11,000 GF each year.
 - *Sentencing Impact Statements.* Includes language requiring that for any sentencing fiscal impact statement prepared pursuant to Section 30-10.1:4 of the Code of Virginia, if the Commission does not have sufficient information to project the prison bedspace impact of the proposed legislation, the Commission shall assign a minimum fiscal impact of \$50,000.
 - *Parole Data Review.* Directs the commission to review the status of all offenders in state correctional facilities who are subject to consideration for parole, to determine the numbers of these offenders who have already served as much time in prison as they would have served if they had been sentenced under the new sentencing guidelines. This review is also to consider geriatric offenders.
- **Indigent Defense Commission**
 - *Budget Reductions.* Saves \$450,000 GF each year from holding positions vacant and other savings.
- **Judicial Department Reversion Clearing Account**
 - *Budget Reductions.* Captures an additional \$3.0 million GF the second year in unexpended balances generated through hiring delays and other savings across the Judicial Department.