

VIRGINIA STATE BUDGET

2005 Session

Budget Bill - HB1500 (Chapter 951)

Bill Order » Office of Administration » Item 65

Compensation Board

Item 65	First Year - FY2005	Second Year - FY2006
Legal Advice (32000)	\$45,114,580	\$45,361,080 \$48,224,044
Financial Assistance for Local Attorneys for the Commonwealth (32001)	\$12,617,317	\$12,617,317 \$12,773,321
Financial Assistance for Operations of Local Attorneys for the Commonwealth (32003)	\$32,497,263	\$32,743,763 \$35,450,723
Fund Sources:		
General	\$45,114,580	\$45,361,080 \$48,224,044

Authority: Title 15.2, Chapter 16, Articles 4 and 6.1, Code of Virginia.

A.1. The annual salaries of attorneys for the Commonwealth shall be as hereinafter prescribed according to the population of the city or county served except as otherwise provided in § 15.2-1636.12, Code of Virginia.

	July 1, 2004	December 1, 2004	December 1, 2005
	to	to	to
	November 30, 2004	November 30, 2005	June 30, 2006
Less than 10,000	\$44,456	\$45,790	\$45,790 \$47,805
10,000-19,999	\$49,402	\$50,884	\$50,884 \$53,123
20,000-34,999	\$54,341	\$55,971	\$55,971 \$58,434
35,000-44,999	\$97,811	\$100,745	\$100,745 \$105,178
45,000-99,999	\$108,677	\$111,937	\$111,937 \$116,862
100,000-249,999	\$112,752	\$116,135	\$116,135 \$121,245
250,000 and above	\$116,831	\$120,336	\$120,336

2. The attorneys for the Commonwealth and their successors who serve on a full-time basis pursuant to §§ 15.2-1627.1, 15.2-1628, 15.2-1629, 15.2-1630 or § 15.2-1631, Code of Virginia, shall receive salaries as if they served localities with populations between 35,000 and 44,999.

3. Whenever an attorney for the Commonwealth is such for a county and city together, or for two or more cities, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of such attorney for the Commonwealth under the provisions of this paragraph and such attorney for the Commonwealth shall receive as additional compensation the sum of one thousand dollars.

B. No expenditure shall be made out of the amount for Financial Assistance to Local Attorneys for the Commonwealth for the employment of investigators, clerk-investigators or other investigative personnel in the office of an attorney for the Commonwealth.

C. Consistent with the provisions of § 19.2-349, Code of Virginia, attorneys for the Commonwealth may, in addition to the options otherwise provided by law, employ individuals to assist in collection of outstanding fines, costs, forfeitures, penalties, and restitution. Notwithstanding any other provision of law, beginning on the date upon which the order or judgment is entered, the costs associated with employing such individuals may be paid from the proceeds of the amounts collected provided that the cost is apportioned on a pro rata basis according to the amount collected which is due the state and that which is due the locality. The attorneys for the Commonwealth shall account for the amounts collected and apportion costs associated with the collections consistent with procedures issued by the Auditor of Public Accounts.

D. The provisions of this act notwithstanding, no Commonwealth's Attorney, Public Defender or employee of a Public Defender shall be paid or receive reimbursement for the state portion of a salary in excess of the salary paid to judges of the Circuit Court. Nothing in this paragraph shall be construed to limit the ability of localities to supplement the salaries of locally elected constitutional officers or their employees.

E. The Statewide Juvenile Justice project positions, as established under the provisions of Item 74 E, of Chapter 912, 1996 Acts of Assembly, and Chapter 924, 1997 Acts of Assembly, are continued under the provisions of this act. The Commonwealth's Attorneys receiving such positions shall annually certify to the Compensation Board that the positions are used primarily, if not exclusively, for the prosecution of delinquency and domestic relations felony cases, as defined by Chapters 912 and 924. In the event the positions are not primarily or exclusively used for the prosecution of delinquency and domestic relations felony cases, the Compensation Board shall reallocate such positions by using the allocation provisions as provided for the Board in Item 74 E of Chapters 912 and 924.

F. There is hereby reappropriated the unexpended balance remaining in this program on June 30, 2004, and June 30, 2005.

G. Notwithstanding the provisions of § 15.2-1534, Code of Virginia, nothing shall prohibit a person from serving simultaneously as an assistant attorney for the Commonwealth in Prince Edward County and Buckingham County.

H. The pilot program that has been conducted through the Department of Taxation shall be expanded to include any private debt collection firms with whom the selected Commonwealth's Attorneys have contracted for the collection of unpaid fines and court costs pursuant to § 19.2-349, Code of Virginia, to collect unpaid fines and court costs in the same manner and means as provided to the Department of Taxation in § 58.1-1804, Code of Virginia. The Compensation Board shall monitor the program and shall include, in its annual report to the General Assembly on the collection of court-ordered fines and fees for Clerks of the Courts and Commonwealth's Attorneys, the amount of unpaid fines and costs collected by this program.

I.1. Out of this appropriation, \$395,165 the first year and \$389,165 the second year from the general fund is designated for the Compensation Board to fund five additional positions in Commonwealth's Attorney's Offices that shall be dedicated to prosecuting gang-related criminal activities. The Board shall ensure that these positions work across jurisdictional lines, serving the Northern Virginia area (counties of Fairfax, Loudoun, Prince William, and Arlington and the cities of Falls Church, Alexandria, Manassas, Manassas Park and Fairfax). The additional five positions established by this provision shall be supplemental to the position levels specified in Item 63, paragraph B.1.

2. Also included within the appropriation for this Item is \$300,000 the first year from the general fund that shall be transferred no later than August 1, 2004, from the Compensation Board to the Department of State Police. These funds shall be used only to support the anti-gang efforts of the State Police Strike Force.

J. Included in this appropriation is \$2,619,208 the second year from the general fund for 72 new positions as the first step in a three-year plan to fully fund the Compensation Board's staffing standards by June 30, 2008. The Governor shall include the additional funding required to meet this goal in his budget proposals for the 2006-2008 biennium.