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# VIRGINIA STATE BUDGET

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2009 Session

## Budget Bill - HB1600 (Chapter 781)

Bill Order » Judicial Department » Item 40

Circuit Courts

Item 40	First Year - FY2009	Second Year - FY2010
<b>Pre-Trial, Trial, and Appellate Processes (32100)</b>	<b>\$96,535,870</b> <b>\$101,943,870</b>	<b>\$96,455,870</b> <b>\$101,863,870</b>
Trial Processes (32103)	\$42,738,456	\$42,738,456
Other Court Costs and Allowances (Criminal Fund) (32104)	\$53,797,414 \$59,205,414	\$53,717,414 \$59,125,414
Fund Sources:		
General	\$96,235,870 \$101,643,870	\$96,155,870 \$101,563,870
Special	\$300,000	\$300,000

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Authority: Article VI, Section 1, Constitution of Virginia; Title 17.1, Chapter 5; § [19.2-163](#), Code of Virginia.

A. Out of the amounts for Pre-Trial, Trial and Appellate Processes shall be paid:

1. The annual salaries of Circuit Court judges, each at \$155,033 from July 1, 2008, to November 24, 2008, \$158,134 from November 25, 2008, to November 24, 2009, and ~~\$161,297~~ \$158,134 from November 25, 2009, to June 30, 2010. Such salaries shall represent the total compensation from all sources for Circuit Court judges.
2. Expenses necessarily incurred for the position of judge of the Circuit Court, including clerk hire not exceeding \$1,500 a year for each judge.
3. The state's share of expenses incident to the prosecution of a petition for a writ of habeas corpus by an indigent petitioner, including payment of counsel fees as fixed by the Court; the expenses shall be paid upon receipt of an appropriate order from a Circuit Court.
4. *A circuit court judge shall only be reimbursed for mileage for commuting if the judge has to travel to a courthouse in a county or city other than the one in which the judge resides and the distance between the judge's residence and the courthouse is greater than 25 miles.*

B. The Chief Circuit Court Judge shall restrict the appointment of special justices to conduct involuntary mental commitment hearings to those unusual instances when no General District Court or Juvenile and Domestic Relations District Court Judge can be made available or when the volume of the hearings would require more than eight hours a week.

C. There is hereby reappropriated the unexpended balance remaining at the close of business on June 30, 2008, in the appropriation made in Item 32, Chapter 847, Acts of Assembly of 2007, in the item detail Other Court Costs and Allowances (Criminal Fund) and the balance remaining in this item detail on June 30, 2009.

D. The appropriation in this Item for Other Court Costs and Allowances shall be used to implement the provisions

of § 8.01-384.1:1, Code of Virginia.

E.1. General fund appropriations for Other Court Costs and Allowances (Criminal Fund) total ~~\$101,561,076~~ ~~\$106,969,076~~ the first year and ~~\$103,481,076~~ ~~\$106,889,076~~ the second year in this item and Items 33, 39, 41, 42 and 43.

2. The Chief Justice of the Supreme Court of Virginia shall determine how the amounts appropriated to the Criminal Fund will be allocated, consistent with statutory provisions in the Code of Virginia. It is the intent of the General Assembly that funds within these appropriations be used to fund fully the statutory caps on compensation applicable to attorneys appointed by the court to defend criminal charges. Furthermore, it is the intent of the General Assembly that, should this appropriation not be sufficient to fund fully all of the statutory caps on compensation as established by § 19.2-163, Code of Virginia, that this appropriation shall be applied first to fully fund the statutory caps for the most serious noncapital felonies and then, should funds still remain in this appropriation, to the other statutory caps, in declining order of the severity of the charges to which each cap is applicable.

3. Out of the amount appropriated from the general fund for the Criminal Fund in this Item, there shall be transferred an amount not to exceed \$880,000 the first year and not to exceed \$880,000 the second year to the Criminal Injuries Compensation Fund, administered by the Virginia Workers' Compensation Commission, for the administration of the physical evidence recovery kit (PERK) program.

*4. Notwithstanding the provisions of § 19.2-163, Code of Virginia, the amount of compensation allowed to counsel appointed by the court to defend a felony charge that may be punishable by death shall be calculated on an hourly basis at a rate set by the Supreme Court of Virginia.*

*F. Mandated changes or improvements to court facilities pursuant to § 15.2-1643 or otherwise shall be delayed at the request of the local governing body in which the court is located until June 30, 2010. The provisions of this item shall not apply to facilities that were subject to litigation on or before November 30, 2008.*