
VIRGINIA STATE BUDGET

2010 Session

Budget Bill - HB30 (Introduced)

Bill Order » Judicial Department » Item 41

Circuit Courts

Item 41	First Year - FY2011	Second Year - FY2012
Pre-Trial, Trial, and Appellate Processes (32100)	\$92,070,698	\$92,070,698
Trial Processes (32103)	\$42,145,284	\$42,145,284
Other Court Costs and Allowances (Criminal Fund) (32104)	\$49,925,414	\$49,925,414
Fund Sources:		
General	\$92,065,698	\$92,065,698
Special	\$5,000	\$5,000

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

A. Out of the amounts in this Item for Trial Processes shall be paid:

1. The annual salaries of Circuit Court judges, each at \$158,134 from July 1, 2010, to November 24, 2010, \$158,134 from November 25, 2010, to November 24, 2011, and \$158,134 from November 25, 2011, to June 30, 2012. 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, 2010, in the appropriation made in Item 40, Chapter 781, Acts of Assembly of 2009, in the item detail Other Court Costs and Allowances (Criminal Fund) and the balance remaining in this item detail on June 30, 2011.

D. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund) 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 \$97,689,076 the first year and \$97,689,076 the second year in this Item and Items 34, 40, 42, 43 and 44.

2. The Chief Justice of the Supreme Court of Virginia shall determine how the amounts appropriated to Other Courts Costs and Allowances (Criminal Fund) will be allocated, consistent with statutory provisions in the Code of Virginia. Funds within these appropriations are to be used to fund fully the statutory caps on compensation applicable to attorneys appointed by the court to defend criminal charges. 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 Other Court Costs and Allowances (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.