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# VIRGINIA STATE BUDGET

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2017 Session

## Budget Bill - HB1500 (Enrolled)

Bill Order » Judicial Department » Item 40

Supreme Court

Item 40	First Year - FY2017	Second Year - FY2018
<b>Administrative and Support Services (39900)</b>	<b>\$30,447,541</b>	<b><del>\$30,684,302</del> \$30,871,302</b>
General Management and Direction (39901)	\$30,447,541	<del>\$30,684,302</del> \$30,871,302
Fund Sources:		
General	\$21,316,432	<del>\$21,552,624</del> \$21,739,624
Special	\$124,375	\$124,375
Dedicated Special Revenue	\$7,500,000	\$7,500,000
Federal Trust	\$1,506,734	\$1,507,303

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Authority: §§ [16.1-69.30](#), [16.1-69.33](#), [17.1-314](#) through [17.1-320](#) and [17.1-502](#), Code of Virginia.

A. The Executive Secretary of the Supreme Court shall submit an annual fiscal year summary, on or before September 1 of each year, to the Chairmen of the House Appropriations and Senate Finance Committees and to the Director, Department of Planning and Budget, which will report the number of individuals for whom legal or medical services were provided and the nature and cost of such services as are authorized for payment from the criminal fund or the involuntary mental commitment fund.

B. Notwithstanding the provisions of § [19.2-326](#), Code of Virginia, the amount of attorney's fees allowed counsel for indigent defendants in appeals to the Supreme Court shall be in the discretion of the Supreme Court.

C. The Chief Justice is authorized to reallocate legal support staff between the Supreme Court and the Court of Appeals of Virginia, in order to meet changing workload demands.

D. Prior to January 1 of each year, the Judicial Council and the Committee on District Courts are requested to submit a fiscal impact assessment of their recommendations for the creation of any new judgeships, including the cost of judicial retirement, to the Chairmen of the House and Senate Committees on Courts of Justice, and the House Appropriations and Senate Finance Committees.

E. Included in this Item is \$3,750,000 the first year and \$3,750,000 the second year from the general fund, which may support computer system improvements for the several circuit and district courts. The Executive Secretary of the Supreme Court shall submit an annual report to the Director, Department of Planning and Budget on or before September 1 of each year outlining the improvement projects undertaken and the project status of each project. Each project in the report should include the life to date cost of the project, the amount spent on the project in the most recently completed fiscal year, the year the project began, the estimated cost to complete the remainder of the project and an estimated project completion date.

F. Given the continued concern about providing adequate compensation levels for court-appointed attorneys

providing criminal indigent defense in the Commonwealth, the Executive Secretary of the Supreme Court, in conjunction with the Governor, Attorney General, Indigent Defense Commission, representatives of the Indigent Defense Stakeholders Group and Chairmen of the House and Senate Courts of Justice Committees, shall continue to study and evaluate all available options to enhance Virginia's Indigent Defense System.

G. In addition to any filing fee or other fee permitted by law, an electronic access fee may be charged for each case filed electronically pursuant to Rule 1:17 of the Rules of the Supreme Court of Virginia. The amount of this fee shall be set by the Supreme Court of Virginia. Moneys collected pursuant to this fee shall be deposited into the State Treasury to the credit of the Courts Technology Fund established pursuant to § 17.1-132, to be used to support the costs of statewide electronic filing systems.

H. 1. No state funds used to support the operation of drug court programs shall be provided to programs that serve first-time substance abuse offenders only or do not include probation violators. This restriction shall not apply to juvenile drug court programs.

2. Notwithstanding the provisions of subsection O. of § 18.2-254.1, Code of Virginia, any locality is authorized to establish a drug treatment court supported by existing state resources and by federal or local resources that may be available. This authorization is subject to the requirements and conditions regarding the establishment and operation of a local drug treatment court advisory committee as provided by § 18.2-254.1 and the requirements and conditions established by the state Drug Treatment Court Advisory Committee. Any drug court treatment program established after July 1, 2012, shall limit participation in the program to offenders who have been determined, through the use of a nationally recognized, validated assessment tool, to be addicted to or dependent on drugs. However, no such drug court treatment program shall limit its participation to first-time substance abuse offenders only; nor shall it exclude probation violators from participation.

3. The evaluation of drug treatment court programs required by § 18.2-254.1 shall include the collection of data needed for outcome measures, including recidivism. Drug treatment court programs shall provide to the Office of the Executive Secretary of the Supreme Court the information needed to conduct such an evaluation.

4. The Executive Secretary of the Supreme Court of Virginia shall identify eligible adult drug court sites for participation in a pilot program to provide substance abuse treatment utilizing non-narcotic, non-addictive, long-acting, injectable prescription drug treatment regimens. The Executive Secretary shall identify the state funding resources necessary to support pilot program medication, provider fees, counseling, and patient monitoring, as well as any available local or regional funding resources available. The Executive Secretary shall meet with and solicit feedback from stakeholders including requesting information on the success of comparable pilot programs in other states. The Executive Secretary shall report the results of this review, as well as recommendations for establishment of the pilot program to other drug courts, to the Secretaries of Public Safety and Homeland Security and Health and Human Resources, the Director of the Department of Planning and Budget, and the Chairmen of the House Appropriations and Senate Finance Committees by October 1, 2016. All Adult Drug Courts in the Commonwealth shall provide all necessary information to the Office of the Executive Secretary of the Supreme Court of Virginia in order to conduct such a review.

5. Included in this item is \$100,000 the first year and \$100,000 the second year from the general fund to support two substance abuse treatment pilot programs at the Norfolk Adult Drug Court and the Henrico County Adult Drug Court utilizing non-narcotic, non-addictive, long-acting, injectable prescription drug treatment regimens. The Norfolk and Henrico County Adult Drug Courts shall utilize these resources to support pilot program medication, provider fees, counseling, and patient monitoring. The Executive Secretary of the Supreme Court shall report the results of the pilot program, as well as recommendations for expansion of the pilot program to other drug courts, to the Secretaries of Public Safety and Homeland Security and Health and Human Resources, the Director of the Department of Planning and Budget, the Chairman of the Virginia State Crime Commission, and the Chairmen of the House Appropriations and Senate Finance Committees by October 1 each year of the pilot program. The Norfolk and Henrico County Adult Drug Courts shall provide all necessary information to the Office of the

Executive Secretary to conduct such an evaluation.

6. Included within this appropriation is \$300,000 the first year and \$960,000 the second year from the general fund for drug courts in jurisdictions with high drug caseloads, to be allocated by the State Drug Treatment Court Advisory Committee to existing drug courts which have been approved by the Supreme Court of Virginia but have not previously received state funding.

*7. Included in this item is \$50,000 the second year from the general fund to support a substance abuse treatment pilot program at the Bristol Adult Drug Court utilizing non-narcotic, non-addictive, long-acting, injectable prescription drug treatment regimens. The Bristol Adult Drug Court shall utilize these resources to support pilot program medication, provider fees, counseling, and patient monitoring. The Executive Secretary of the Supreme Court shall include the results of this pilot program in its report pursuant to Item 40.H.5. The Bristol Adult Drug Court program shall provide all necessary information to the Office of the Executive Secretary to conduct this evaluation.*

I. Notwithstanding the provisions of § 16.1-69.48, Code of Virginia, the Executive Secretary of the Supreme Court shall ensure the deposit of all Commonwealth collections directly into the State Treasury for Item 43 General District Courts, Item 44 Juvenile and Domestic Relations District Courts, Item 45 Combined District Courts, and Item 46 Magistrate System.

J. Included in this appropriation, \$240,000 the first year and \$240,000 the second year from the general fund is provided to implement the Judicial Performance Evaluation Program established by § 17.1-100 of the Code of Virginia.

K. Out of the amounts appropriated for this item, \$250,000 the first year from the general fund is included for the Supreme Court of Virginia to contract with the National Center for State Courts to reevaluate the November 2013 results of the weighted caseload system study that measured and compared judicial caseloads throughout the Commonwealth on the circuit court, general district court, and juvenile and domestic relations district court levels. In addition to the factors considered during the earlier study, the National Center shall also consider factors identified by the Supreme Court such as the use of interpreters, law clerks, retired or substitute judges, the effect of pro se litigants on judicial time, and the effect of population growth or decline, if any. The Supreme Court shall report to the General Assembly by November 15, 2017, on the weighted caseload in each court in each county and city, and in each circuit and district based on the current circuit and district boundaries.

L. Working in collaboration with the Chief Justice and Associate Justices of the Supreme Court of Virginia and the Chief Judge and Associate Judges of the Court of Appeals of Virginia, the Executive Secretary of the Supreme Court, in consultation with the Director of the Department of General Services, is directed to develop a comprehensive plan that meets the future space needs of both courts around Capitol Square, which is acceptable to the Chief Justice of the Supreme Court of Virginia and the Chief Judge of the Court of Appeals of Virginia.

M. Included in the appropriation for this Item is \$175,950 in the first year from the general fund to cover the cost of an electronic submission system to transmit case papers from general district court to circuit court.

*N. The Executive Secretary of the Supreme Court shall review the experience of the courts in providing the option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work. The Executive Secretary shall provide a report which shall summarize data from previous years indicating the amount of community service performed in lieu of fines and costs, the hourly rate assumed and the total value of fines and costs avoided compared to the total amount of fines and costs collected, by year, and the available data on the financial circumstances of those persons utilizing the option of community service work. The report should also include a projection of the anticipated impact of the adoption of Rule 1:24 by the Supreme Court of Virginia on November 1, 2016, on the collection of fines and costs, and actual data, to the extent to which it is available, on the results of the implementation of Rule 1:24 for the*

*period beginning February 1, 2017. Copies of the report shall be provided by October 1, 2017, to the Judicial Council, the Committee on District Courts, and the Chairmen of the Senate Committees on Courts of Justice and Finance and the House Committees on Courts of Justice and Appropriations.*

*O. Included in the appropriation for this item is \$137,000 in the second year from the general fund for the costs of implementing the information technology system changes required pursuant to the provisions of House Bill 1713 and Senate Bill 1044 of the 2017 Session of the General Assembly.*

*P. The Executive Secretary, in cooperation with the Superintendent of State Police, shall provide a detailed plan for implementation of the statewide electronic summons system for the Department of State Police to the Chairmen of the House Appropriations and Senate Finance Committees. The plan shall include estimated one-time and ongoing costs of procuring, operating, and managing the electronic summons system for the Department of State Police, a consideration of methods and approaches to procuring and operating the system, timelines for the procurement and implementation of the system statewide, and an analysis of the life-cycle costs of the electronic summons system. The plan shall be presented to the Chairmen of the House Appropriations and Senate Finance Committees no later than September 15, 2017.*