2018 Special Session I

Budget Bill - HB5002 (Chapter 2)

Supreme Court

Item 38	First Year - FY2019	Second Year - FY2020
Administrative and Support Services (39900)	**$32,225,031**	**$32,225,031**
General Management and Direction (39901)	$32,225,031	$32,225,031
Fund Sources:		
General	$23,125,335	$23,125,335
Special	$124,375	$124,375
Dedicated Special Revenue	$7,675,321	$7,675,321
Federal Trust	$1,300,000	$1,300,000

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. 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.

5. Included within this appropriation is $960,000 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.

6. Included in this item is $50,000 the first year and $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 38.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 41 General District Courts, Item 42 Juvenile and Domestic Relations District Courts, Item 43 Combined District Courts, and Item 44 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. 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.

L. Included in this appropriation, $175,321 the first year and $175,321 the second year from nongeneral funds and two positions to support drug treatment court evaluation and monitoring. The source of funds is the Drug Offender Assessment Fund.

M. Included in the amounts appropriated for this item are $400,000 the first year and $400,000 the second year from the general fund to be allocated by the State Drug Treatment Court Advisory Committee for the establishment of drug courts in jurisdictions with high drug-related caseloads, or to increase funding provided to existing drug court programs experiencing high caseload growth.

N. Included in this appropriation is $500,000 the first year and $500,000 the second year from the general fund to support the creation and expansion of mental health court dockets in jurisdictions with high caseloads, to be allocated by the Virginia Supreme Court. The Executive Secretary of the Supreme Court shall evaluate and report the results of the expansion, as well as recommendations for expansion of mental health dockets to other 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, 2018.

O. The Executive Secretary shall convene a working group, to include a minimum of five circuit court clerks, to evaluate issues related to statewide adoption of electronic filing of civil cases in circuit courts, and the implementation of a statewide system through which images of nonconfidential records within civil case files in the circuit courts may be viewed by subscribers of that system. The evaluation shall include consideration of (i) the benefits of the availability of electronic case filing of civil cases in all circuit courts; (ii) the benefits of the adoption of one statewide electronic case filing system by all circuit courts; (iii) the benefits of a statewide system through which images of nonconfidential records within civil case files in the circuit courts may be viewed by subscribers via a single subscription for statewide access; (iv) the types of information to be made available to subscribers of the system or, alternatively, excluded from the system; (v) how a subscription process may be established to provide a clear definition of the duties of the Office of the Executive Secretary and each circuit court clerk with respect to implementation and operation of the system; (vi) the estimated one-time and ongoing costs of all circuit courts implementing and operating a) an electronic case filing system, and b) one statewide electronic case filing system for use by all circuit courts; (vii) the estimated one-time and ongoing costs of implementing and operating a statewide system through which images of nonconfidential records within civil case files in the circuit courts may be viewed by subscribers of that system via a single subscription for statewide access; (viii) a fee schedule for subscribers and how such fee schedule should be established, and (ix) any potential loss of revenues by circuit court clerks reasonably attributed to the implementation of one statewide electronic case filing system and a

statewide system through which images of nonconfidential records within civil case files in the circuit courts may be viewed by subscribers of that system. The Executive Secretary shall provide a summary of the findings and recommendations of the working group to the Chairmen of the House Committees on Courts of Justice and Appropriations, and the Senate Committees on Courts of Justice and Finance no later than November 30, 2018.