2023 Special Session I

Budget Bill - HB6001 (Chapter 1)

Supreme Court

Item 42	First Year - FY2023	Second Year - FY2024
Administrative and Support Services (39900)	**$46,906,862**	**$46,903,157**
General Management and Direction (39901)	$46,906,862	$46,903,157
Fund Sources:		
General	$36,610,138	$36,606,433
Special	$124,375	$124,375
Dedicated Special Revenue	$8,857,604	$8,857,604
Federal Trust	$1,314,745	$1,314,745

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 Chairs of the House Committee on Courts of Justice and Senate Committee on the Judiciary, and the House Appropriations and Senate Finance and Appropriations 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 Chairs of the House Committee on Courts of Justice and Senate Committee on the Judiciary, 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 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.

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 45 General District Courts, Item 46 Juvenile and Domestic Relations District Courts, Item 47 Combined District Courts, and Item 48 Magistrate System.

J. Included in this appropriation, $289,000 the first year and $289,000 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.

O.1. There is hereby created in the state treasury a special nonreverting fund to be known as the Attorney Wellness Fund, hereinafter referred to as the Fund. The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of the fiscal year shall not revert to the general fund, but shall remain in the Fund. Except for transfers pursuant to this Item, there shall be no transfers out of the Fund, including transfers to the general fund.

2. Notwithstanding the provisions of § 54.1-3912, Code of Virginia, in addition to any other fee permitted by law, the Supreme Court of Virginia may adopt rules assessing members of the Virginia State Bar an annual fee of up to $30 to be deposited in the State Bar Fund and transferred to the Attorney Wellness Fund.

3.Moneys in the Fund shall be allocated at the direction of the Supreme Court of Virginia solely for the purposes of wellness initiatives for attorneys, judges, and law students, to prevent substance abuse and behavioral health disorders. The revenue raised in support of the Fund shall not be used to supplant current funding to the judicial branch. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request of the Executive Secretary of the Supreme Court of Virginia.

P. The Office of the Executive Secretary of the Supreme Court shall prepare and distribute evaluation forms in all Circuit Court cases that are overseen by a retired judge for the purpose of collecting information on the number and types of cases referred to retired judges, and use such information to prepare and annually publish a report to be distributed to the members of the House Committee on Courts of Justice and the Senate Committee on the Judiciary, on or about January 1, each year.

Q. Included in this appropriation is $1,539,033 the first year and $1,539,033 the second year for the implementation of an automatic expungement process pursuant to House Bill 2113 and Senate Bill 1339 of the 2021 Session of the General Assembly.

R. Included in the amounts appropriated for this item is $94,963 each year from the general fund to implement the Hope Card Program in all circuit and district courts in the Commonwealth.

S. The Office of the Executive Secretary (OES), in consultation with the Veterans Docket Advisory Committee established pursuant to Virginia Supreme Court Rule 1:25(e) and the Virginia Department of Veterans Services, will promote localized training to enable correctional and other criminal justice system entities to identify inmates or defendants who have served in the United States military. Such training will encourage use of the Virginia Reentry Search Services (VRSS) developed by the U.S. Veterans Administration to facilitate direct outreach to these veterans, and to inform the development of veteran-specific programs in the criminal justice system including the establishment of a Veterans Docket pursuant to Rule 1:25(b). OES will offer support for jurisdictions applying for funding consistent with Virginia Code 18.2-254.2 (B).

T. On or before June 30, 2024, the Director, Department of Planning and Budget, shall authorize the reversion to the general fund of $37,869,899 in the second year from the surplus balances of the Criminal Fund and $5,000,000 the second year from the surplus balances of the Involuntary Mental Commitment Fund.