2023 Special Session I

Budget Bill - HB6001 (Chapter 1)

Circuit Courts

Item 44	First Year - FY2023	Second Year - FY2024
Pre-Trial, Trial, and Appellate Processes (32100)	**$114,175,390**	~~$114,172,090~~ ***$114,999,326***
Trial Processes (32103)	$50,811,360	~~$50,808,060~~ *$51,635,296*
Other Court Costs And Allowances (Criminal Fund) (32104)	$63,364,030	$63,364,030
Fund Sources:		
General	$114,175,390	~~$114,172,090~~ *$114,999,326*

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 $193,848 from July 10, 2022 to June 30, 2023, $203,540 from July 1, 2023 to *December 9, 2023, and $207,611 from December 10, 2023 to* June 30, 2024. 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, 2022, in the appropriation made in Item 41, Chapter 552, Acts of Assembly of 2021, in the item detail Other Court Costs and Allowances (Criminal Fund) and the balance remaining in this item detail on June 30, 2023.

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 $130,509,977 the first year and $130,509,977 the second year in this Item and Items 39, 43, 45, 46 and 47.

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. 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.

4. The Department of Planning and Budget is authorized to transfer appropriations between the Criminal Fund and the Involuntary Mental Commitment Fund, as appropriated in any item within the courts system, to support authorized program expenses in the event of an unanticipated shortfall in either fund. Any such transfers shall be made only as needed and shall be reported to the House Appropriations and Senate Finance and Appropriations Committees within 60 days.

F. Mandated changes or improvements to court facilities pursuant to § 15.2-1643, Code of Virginia, or otherwise, including any new construction, shall be delayed at the request of the local governing body in which the court is located until June 30, 2024. The provisions of this item shall not apply to facilities that were subject to litigation on or before November 30, 2008.

G. In order to reduce expenditures through the Criminal Fund for court-appointed counsel, compensation paid to attorneys appointed pursuant to Virginia Code § 53.1-40 shall be limited to $55 per hour, with a maximum per diem compensation of $200, except in cases where the appointed attorney is appointed to represent indigent prisoners at more than one state prison, and in such cases their billing shall be capped monthly at $6,000, plus reasonable expenses, to be paid from the Criminal Fund.

H.1. Notwithstanding the provisions of § 19.2-155, Code of Virginia, in cases where an Attorney for the Commonwealth must recuse himself from a case or a special prosecutor must be appointed, the circuit court judge must appoint an Attorney for the Commonwealth or an Assistant Attorney for the Commonwealth from another jurisdiction. If the circuit court judge determines that the appointment of such Attorney for the Commonwealth or such Assistant Attorney for the Commonwealth is not appropriate or that such an attorney or assistant is unavailable then the judge must request approval from the Executive Secretary of the Supreme Court for an exception to this requirement.

2. The Executive Secretary of the Supreme Court shall include in the annual report required in paragraph A. of Item 42 information on the number of exceptions granted related to special prosecutors and the related expenditures.

I. Notwithstanding any other provisions of Chapter 23 of Title 8.1 of the Code of Virginia, a reasonable fee not to exceed $150 may be charged by Commissioners of Accounts for any foreclosures on a timeshare estate to reimburse them for the reasonable costs associated therewith.