

# Judicial

The Governor's proposed amendments for the Judicial Department include increases of \$9.0 million GF and decreases of \$3.0 million GF, for a net increase of \$6.0 million GF over the 2004-06 biennial budget (Chapter 4, Special Session I).

Two amendments provide a total of \$630,000 GF and \$1.0 million NGF and two positions the second year to enable the Supreme Court of Virginia to take over the administration of the drug court program.

A series of amendments to the Criminal Fund totals \$5.4 million GF in the first year, of which \$3.0 million GF represents savings captured in the Indigent Defense Commission resulting from the slower than expected start-up of four new public defender offices. The Criminal Fund operates as an entitlement program. That is, the fund refers to various statutes which require state payment of court-appointed attorneys, juror per diems, court reporters and interpreters, and other costs associated with criminal trials.

A series of amendments to the Involuntary Mental Commitment Fund total \$679,814 GF each year. This represents the portion of the fund which is expended by the Judicial Department. The remainder of the fund is expended by the Department of Medical Assistance Services (DMAS). A companion amendment to DMAS provides an additional \$2.7 million GF the first year for that portion of the fund.

- **Supreme Court of Virginia**
  - *Indirect Costs.* Includes a technical adjustment of \$42,243 NGF the first year and \$7,500 NGF the second year, to reflect appropriation authority for the receipt of indirect cost recoveries from federal grants.
  - *Additional Law Clerks.* Provides \$623,459 GF and seven positions the second year to add a second law clerk for each justice of the Supreme Court.
  - *Drug Court Transfer.* Transfers \$520,000 GF the second year from the Department of Criminal Justice Services (DCJS) to support drug courts. Legislation adopted by the 2004 General Assembly transfers this function from DCJS to the Supreme Court.

- *Drug Courts.* Provides \$110,000 GF, \$1.0 million NGF, and two positions the second year to support drug courts. The source of the nongeneral funds is a balance in the Drug Offender Assessment Fund. An additional transfer of \$0.5 million from this fund to the general fund is captured in Part 3.
- *Judicial Performance Evaluation.* Includes \$104,000 GF the second year for the judicial performance evaluation pilot project.
- **Court of Appeals of Virginia**
  - *Additional Law Clerks.* Provides \$925,701 GF and 11 positions the second year to add a second law clerk for each judge of the Court of Appeals.
- **Circuit Courts**
  - *Records Indexing.* Includes a technical adjustment of \$101,400 NGF each year for an internal service fund to record the fees charged by the circuit courts to cover the costs associated with the records indexing system. The system is used to record court orders, marriage licenses, deeds, and other land records.
  - *Criminal Fund.* Includes \$2.6 million GF the first year for increased costs to the Criminal Fund.
- **General District Courts**
  - *Criminal Fund.* Includes \$929,813 GF the first year for increased costs to the fund.
  - *Involuntary Mental Commitment Fund.* Provides \$583,136 GF each year for increased costs to the fund.
- **Juvenile and Domestic Relations District Courts**
  - *Criminal Fund.* Includes \$1.4 million GF the first year for increased costs to the fund.
  - *Involuntary Mental Commitment Fund.* Provides \$17,555 GF each year for increased costs to the fund.
- **Combined District Courts**

- *Criminal Fund.* Provides \$456,844 GF the first year for increased costs to the fund.
- *Involuntary Mental Commitment Fund.* Includes \$79,123 GF each year for increased costs to the fund.
- **Indigent Defense Commission**
  - *Delayed Opening of New Offices.* Includes a reduction of \$3.0 million GF the first year, which represents the savings associated with delayed openings for the four new offices created by the 2004 General Assembly. The four offices (Arlington-Falls Church, Chesapeake, Hampton and Newport News) are expected to be fully operational in FY 2006.
    - The \$3.0 million GF savings is transferred to the Criminal Fund because that fund will bear the costs which would have been offset by the new offices had they been open.