

Judicial

The amendments adopted for the 2004-06 budget for the Judicial Department include increases of \$12.9 million GF and decreases of \$3.0 million GF, for a net increase of \$9.9 million GF (or 1.6 percent) over the 2004-06 biennial budget (Chapter 4, Special Session I).

The amendments include an additional \$1 million GF the second year to restore previous budget reductions in the Judicial Department. 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. In the second year, an additional \$2 million GF is added to raise the fees paid to court-appointed attorneys for indigent defendants in criminal cases. The Criminal Fund operates as an entitlement program. 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).

- **Supreme Court of Virginia**
 - *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 transferred 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 \$404,000 GF the second year for full statewide implementation of the judicial performance evaluation project.
- ***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.
- ***Family Court Study.*** Defers the date for the Judicial Council of Virginia to complete a study of the costs associated with the establishment of a family court system from November 1, 2004, to December 1, 2005.
- **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**
 - ***New Circuit Court Judgeship.*** Provides \$202,656 GF and one position the second year for a new judgeship for the 28th Judicial Circuit, serving Smyth and Washington Counties and the City of Bristol, pursuant to SB 1167 and HB 2662 of the 2005 Session.
 - ***Criminal Fund.*** Includes \$2.6 million GF the first year to recognize increased costs for the Criminal Fund, and \$2.0 million GF the second year to increase fees paid to court-appointed attorneys for indigent defendants in criminal cases.
 - ***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.
- **General District Courts**
 - ***New District Court Judgeship.*** Provides \$182,965 GF and one position the second year for a new General District judge for the

Fifteenth Judicial District, serving the City of Fredericksburg and the Counties of Caroline, Essex, Hanover, King George, Lancaster, Northumberland, Richmond, Spotsylvania, Stafford, and Westmoreland, pursuant to SB 1154 and HB 2661 of 2005.

- *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**
 - *New Juvenile Court Judgeship.* Provides \$182,965 GF and one position the second year for a new Juvenile and Domestic Relations District judge for the Fifteenth Judicial District, serving the City of Fredericksburg and the Counties of Caroline, Essex, Hanover, King George, Lancaster, Northumberland, Richmond, Spotsylvania, Stafford, and Westmoreland, pursuant to SB 1154 and HB 2661.
 - *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 fiscal year 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.
 - *Employment Policy.* Includes language reaffirming the statutory provision that the commission is responsible for the appointment and removal of the executive director.
- **Virginia State Bar**
 - *Technical Revenue Adjustment.* Corrects a technical error in the total amount of nongeneral fund revenue appropriated for legal aid provided by the Legal Services Corporation of Virginia and local legal aid societies. This adjustment adds \$321,500 NGF the second year to reflect the increase in court filing fees adopted by the 2004 General Assembly.
- **Judicial Department Reversion Clearing Account**
 - *Restoration of Second Year Reductions.* Provides \$1.0 million GF the second year to restore the previously adopted across-the-board reductions in the Judicial Department.