

Judicial

The budget, as adopted, for the Judicial Department for FY 2010 includes one change when compared to Chapter 781 of the 2009 Acts of Assembly (the appropriation act for the 2008-10 biennium), which is an increase of \$300,000 for the Involuntary Mental Commitment Fund.

The adopted budget for the 2010-12 biennium results in a net decrease of \$13.5 million from the general fund (1.6 percent below Chapter 781 of the 2009 Acts of Assembly). Of this net reduction, \$5.8 million represents the distribution of the reductions from central appropriations which were included in Chapter 781. The changes include: a reduction of \$3.5 million each year from the Criminal Fund to reflect the expectation that the Commonwealth's Attorneys will not seek jail time for minor misdemeanor offenses; an increase of \$150,000 each year for involuntary mental commitments; a reduction of \$100,000 each year in support for legal aid; increased operating expenses for the State Board of Bar Examiners; and, reduced operating expenses for the Virginia State Bar. In addition, language is included directing that all vacant Circuit and District judgeships be frozen from February 15, 2010, through June 30, 2012, with the corresponding generation of additional general fund balances from position vacancy savings. The 2010-12 biennial budget, as adopted, for the Judicial Department includes \$800.5 million from the general fund, \$64.5 million from nongeneral funds, and 3,290.7 positions from all funds.

HB 29 (Chapter 872)

- **Supreme Court of Virginia**
 - *Direct Deposit of State Revenues.* Includes language requiring the direct deposit of state revenues with the Treasurer of Virginia, as recommended by the Auditor of Public Accounts, for the General District Courts, Juvenile and Domestic Relations District Courts, Combined District Courts, and the Magistrate System, thereby increasing general fund deposits by \$0.8 million in fiscal year 2010. There is a companion amendment to the Department of Accounts.
- **District Courts**
 - *Involuntary Mental Commitment Fund.* Includes \$300,000 from the general fund for the cost of involuntary mental commitments in fiscal year 2010.
 - *Judicial Vacancies.* Includes language reducing the number of authorized circuit or district judges by the number retiring, dying or resigning, for any circuit or district court judgeship which is vacant or becomes vacant on or after February 15, 2010, effective upon the resignation, death or retirement date of each such judge, thereby generating a reversion of savings to the general fund of \$750,000 in fiscal year 2010 from deferring the replacement of vacant judgeships. A companion amendment to HB 30 extends this provision through June 30, 2012.

HB 30 (Chapter 874)

- **Supreme Court of Virginia**
 - *Direct Deposit of State Revenues.* Includes language requiring the direct deposit of state revenues with the Treasurer of Virginia, as recommended by the Auditor of Public Accounts, for the General District Courts, Juvenile and Domestic Relations District Courts, Combined District Courts, and the Magistrate System, thereby increasing general fund deposits by \$4.4 million each year. There is a companion amendment to the Department of Accounts.
 - *Drug Courts.* Includes language directing that no funds used to support drug court programs shall be provided to programs that serve first-time substance abuse offenders only or do not include probation violators. However, this restriction would not apply to juvenile drug courts. This is one of a series of recommendations of the Task Force on Alternatives for Non-Violent Offenders.
- **Circuit Courts**
 - *Courthouse Improvements.* Includes language directing that court-ordered changes or improvements in court facilities shall be delayed until June 30, 2012, at the request of the local governing body in which the court is located. There is an exception for facilities that were subject to litigation on or before November 30, 2008. This language was included in the 2009 appropriation act.
 - *Sentencing Revocation Reports.* Adds language requiring sentencing revocation worksheets in all probation revocation and sentence suspension revocation cases in which the defendant is under the direct supervision of the district probation office. The intent of this language is to reduce the number of technical probation violators sentenced to incarceration during a time of extremely limited resources.
- **General District Courts**
 - *Involuntary Mental Commitments.* Provides \$150,000 each year from the general fund for the Involuntary Mental Commitment Fund.
 - *Jail Time for Misdemeanants.* Includes language directing the Committee on District Courts, in consultation with the Virginia Association of Commonwealth's Attorneys and the Indigent Defense Commission, to develop policies and procedures to reduce the number of misdemeanor charges for which the Commonwealth will seek jail time as a punishment, thereby reducing expenditures through the Criminal Fund for court-appointed counsel or for public defenders. Associated with this language is a reduction in the Criminal Fund of \$3.5 million each year from the general fund to reflect the appointment of fewer attorneys to represent defendants charged with less serious misdemeanors, for

whom the prosecution will not seek a jail term. The language requires a report on the implementation of these changes by October 30, 2010.

- **Board of Bar Examiners**

- *Increased Operating Expenses.* Provides \$81,970 the first year and \$81,115 the second year in nongeneral funds from bar examination fees for increased operating expenses. These increased expenses include office space rental, the cost of renting the Roanoke Civic Center for bar examinations, fees charged to administer the Multistate Bar Examination, employee leave payouts, conversion of one wage employee to full-time status, and a high-density mobile filing system.

- **Virginia State Bar**

- *Legal Aid.* Reduces funding to the Virginia Legal Services Corporation by \$100,000 each year from the general fund.
- *Office Expenses.* Reduces funding for printing, postage and rental costs by \$112,828 each year from nongeneral funds.

- **Judicial Department Reversion Clearing Account**

- *Judicial Vacancies.* Includes language reducing the number of authorized circuit or district judges by the number retiring, dying or resigning, for any circuit or district court judgeship which is vacant or becomes vacant on or after February 15, 2010, through June 30, 2012, effective upon the resignation, death or retirement date of each such judge, thereby generating a reversion of savings to the general fund totaling \$3.9 million in fiscal year 2011 and \$6.5 million in fiscal year 2012 from deferring the replacement of vacant judgeships.
- *Other Judicial Reductions.* Includes reversions to the general fund totaling \$2.3 million each year from savings generated by other judicial agencies.