

# Judicial Department

<b>Adopted Adjustments</b> (\$ in millions)				
	<b>FY 2015 Adopted</b>		<b>FY 2016 Adopted</b>	
	<u>GF</u>	<u>NGF</u>	<u>GF</u>	<u>NGF</u>
2014-16 Base Budget, Ch. 806	\$424.2	\$32.9	\$424.2	\$32.9
Increases	21.6	1.3	21.9	1.4
Decreases	(9.4)	(0.0)	(10.6)	(0.0)
\$ Net Change	12.2	1.3	11.3	1.4
<b>Chapter 2 (HB 5002, as Adopted)</b>	<b>\$436.4</b>	<b>\$34.2</b>	<b>\$435.5</b>	<b>\$34.3</b>
% Change	2.9%	3.9%	2.7%	4.3%
FTEs	3,261.71	103.00	3,261.71	103.00
# Change	2.00	0.00	2.00	0.00

- **Supreme Court of Virginia**

- *Restore Funding for Judgeships.* Includes sufficient funds, within the Judicial Department and Central Appropriations, to fill additional circuit and district court judgeships to provide for a total of 396 elected judgeships. This allows for the election of up to 36 judges, as the number of sitting judges as of July 1, 2014 will be 360.
  - The 2014 General Assembly adopted legislation, Chapter 812 (HB 606) and Chapter 822 (SB 443) of the 2014 Acts of Assembly, which increased the number of judgeships authorized in the *Code of Virginia* to from 402 to 429 judgeships. The legislation clarified that this is the maximum number of judgeships to be authorized and filled, not necessarily the total. The base funding for judgeships remains sufficient to fund 402 judgeships, not 429.
  - The budget transfers \$8.9 million GF in FY 2015 and \$10.1 million GF in FY 2016 from the Judicial Department to Central Appropriations representing a portion of the budget that supports the current and announced judicial vacancies.

- A companion amendment in Central Appropriations allocates \$8.9 million GF the first year and \$10.1 million GF the second year with the intent to transfer funding as needed to support the filling of 36 vacant judgeships, which will increase the number of filled circuit and district court judgeships to 396.
- Language in Central Appropriations freezes all vacancies unless the individual judgeship is specifically authorized in the language or is elected in a Special Session of the 2014 General Assembly. In those cases, the language authorizes the Director of the Department of Planning and Budget to transfer the funds from the central account to the Judicial Department as needed to cover the full expenses for filling the judgeship.
- The language further directs the Comptroller to revert savings of \$1.0 million each year to the general fund that are realized as a result of funding less than 402 judgeships (the base funding) each year.
- ***Judicial Performance Evaluation Project.*** Adds \$290,000 GF the first year and \$240,000 GF the second year for the judicial performance evaluation project, pursuant to Chapter 808 of the 2014 Acts of Assembly (HB 272).
- ***Review of Single Petitions.*** Adds language directing the Executive Secretary to review the impact of allowing a single petition in Juvenile and Domestic Relations District Court cases involving two or more children, if such children have the same parents or legal guardians.
- ***Interpreters.*** Provides \$150,130 GF each year to add two additional foreign language interpreter positions for the court system (one Korean and one Vietnamese language interpreter). A companion amendment to the Circuit Courts captures the projected savings from the Criminal Fund of \$185,000 in FY 2015 and \$190,000 in FY 2016.

- **Circuit Courts**

- ***Courthouse Improvements.*** Continues language previously included by the General Assembly which overrides the statutory authority of Circuit Court judges to mandate local government expenditures for courthouse improvements. This provision is will be continued through June 30, 2016.
- ***Criminal Fund.*** The introduced budget added \$2.7 million GF each year for increased costs associated with the Criminal Fund. These funds are distributed to the Circuit, General District, Juvenile and Domestic Relations District, and Combined District Courts in the budget as introduced. The funding for the criminal fund was than reduced by \$0.5 million GF each year as a result of 3 policy changes.

- ***Criminal Fund Savings from 2 Additional Foreign Language Interpreters.*** Captures projected savings from the Criminal Fund of \$185,000 in FY 2015 and \$190,000 in FY 2016 from two additional in-house foreign language interpreter positions for the court system (one Korean and one Vietnamese language interpreter). The use of in-house staff reduces the expenditures for contract interpreters through the criminal fund.
- ***Special Prosecutors.*** Captures a savings of \$40,000 GF each year by inserting language which requires that in cases where a locality's Commonwealth's Attorney must recuse himself and a special prosecutor must be appointed, the Commonwealth's Attorney from a neighboring jurisdiction must be appointed as the special prosecutor whenever feasible.
- ***Court-Appointed Counsel for Incarcerated Persons.*** Captures a savings of \$253,960 GF each year by adding language which sets an hourly reimbursement rate and a per day cap on reimbursement to counsel appointed by the court to represent individuals who are already incarcerated.

- **Virginia Criminal Sentencing Commission**

- ***Immediate Sanctions Program.*** Adds language extending the time period of the immediate sanction probation pilot program from the current July 1, 2014 ending date to November 1, 2016. The four pilot programs are in Henrico County, Arlington County, the City of Lynchburg, and a joint program serving the City of Harrisonburg and Rockingham County. The extension is intended to provide sufficient time for data collection in order to evaluate the effectiveness of the pilot programs.

- **Virginia State Bar**

- ***Appropriation of Increased Revenues.*** Increases the appropriation by \$1.2 million the first year and \$1.3 million the second year from nongeneral funds to reflect increased expenditures for personal services and nonpersonal services.
- ***Virginia Capital Representation Resource Center.*** Adds language to set out the pass-through funding amounts for the center (\$352,500 GF each year).

- **Judicial Reversion Clearing Account**

- *Agency Balances.* Captures year-end balances as of June 30, 2013, from the Judicial Inquiry and Review Commission (\$190,000), and the Virginia Criminal Sentencing Commission (\$175,000); and, captures projected year-end balances from the Indigent Defense Commission of \$300,000 as of June 30, 2015, and \$300,000 as of June 30, 2016.