

Judicial Department

Adopted Adjustments (\$ in millions)				
	FY 2021 Adopted		FY 2022 Adopted	
	<u>GF</u>	<u>NGF</u>	<u>GF</u>	<u>NGF</u>
2020-22 Current Budget (Ch. 56, 2020 Special Session I)	\$533.2	\$37.4	\$535.5	\$37.4
Adopted Increases	1.1	0.0	26.4	0.0
Adopted Decreases	<u>(8.8)</u>	<u>(0.0)</u>	<u>(14.8)</u>	<u>(0.0)</u>
\$ Net Change	(7.8)	0.0	11.6	0.0
Ch. 552 (HB 1800, as Adopted)	\$525.4	\$37.4	\$547.1	\$37.4
% Change	(1.5%)	0.0%	2.2%	0.0%
FTEs	3,507.71	195.00	3,605.71	106.00
# Change	27.00	0.00	95.00	0.00

- **Supreme Court of Virginia**
 - *Reflect Transfer of Funding and Positions for Writs of Actual Innocence (Technical)*. Removes and redirects \$636,024 and 7.00 FTE positions the second year to reflect the net-zero transfer of funding and positions from the Supreme Court to the Court of Appeals to meet anticipated workload from expanded eligibility for writ of actual innocence petitions. A companion amendment in the Court of Appeals reflects the transfer of funding and positions.
 - *Reallocate Appropriation for Cardinal System Requirements (Technical)*. Reflects the net-zero transfer of \$7.7 million GF and 69.00 FTE positions the second year to reallocate existing court system appropriation from various courts agencies to meet Cardinal Human Capital Management system payroll requirements. Companion amendments in the Circuit Courts, General District Courts, Juvenile and Domestic Relations District Courts, Combined District Courts, and the Magistrate System reflect the reduction of existing appropriation reallocated to the Supreme Court for this purpose.

- ***Provide Funding for Additional Court-Appointed Experts.*** Provides \$100,000 GF the second year for the Criminal Fund to reflect the potential increase in the use of court-appointed experts, pursuant to Chapters 540 and 523 of the 2021 Acts of Assembly, Special Session I (HB 2047/SB 1315), which broadens a defendant’s ability to introduce evidence regarding their mental state at the time of an alleged defense.
- ***Prepare and Distribute Evaluation Forms.*** Includes language directing the Office of the Executive Secretary of the Supreme Court to prepare and distribute evaluation forms in all circuit court cases that are overseen by a retired judge, and the number and types of cases referred to retired judges, collect the results of the forms and publish the findings to the members of the House Courts of Justice and Senate Judiciary Committees by January 1 of each year. There is a companion amendment that directs the Chair of the Senate Judiciary Committee to convene a workgroup to review the use of non-elected and retired judges in the circuit courts.
- ***Provide Funding for Automatic Expungement System Costs.*** Provides \$1.5 million GF the second year for costs related to courts’ system modifications and information technology upgrades to accommodate the automatic expungement of certain offenses pursuant to of the Chapters 542 and 524 of the 2021 Acts of Assembly, Special Session I (HB 2113/SB 1339). The funding represents one-fourth of the total cost of \$6.1 million, which will be phased-in over four years to coincide with the July 1, 2025 effective dates of the applicable provisions of the bills.
- ***Review Bill Provisions Regarding Bail Hearings.*** Includes language directing the Office of the Executive Secretary of the Supreme Court to review the requirements of HB 2286, which sought to make various changes to provisions regarding bail hearings, and to estimate the potential costs and savings resulting from its implementation, with a report on its findings by December 1, 2021. The bill did not advance during the 2021 General Assembly Session.

- **Court of Appeals of Virginia**

- ***Additional Judges and Support Staff.*** Provides \$829,190 GF the first year, in addition to \$235,419 included in the Introduced Budget, and \$2.7 million GF the second year, in addition to \$4.9 million GF included in the Introduced Budget, for a total of \$1.1 million GF the first year and \$7.6 million GF the second year associated with Chapter 489 of the 2021 Acts of Assembly, Special Session I (SB 1261), which expands the jurisdiction of the Court of Appeals of Virginia (CAV). The first year funding represents one-time fixed costs related to six additional appellate judgeships, as well as one month of prorated costs for 27 staff attorney, and additional clerk and information technology support staff positions. The

second year funding represents the annual ongoing costs for judgeships, attorney, and support staff positions, which total 52.00 FTE positions.

- *Reflect Transfer of Funding and Positions for Writs of Actual Innocence (Technical)*. Includes \$636,024 GF and 7.00 FTE positions the second year to reflect the net-zero transfer of funding and positions from the Supreme Court to the Court of Appeals to meet anticipated workload from the expanded eligibility for writ of actual innocence petitions. A companion amendment reflects the transfer of funding and positions from the Supreme Court.

- **Circuit Courts**

- *Reflect Criminal Fund Savings from New Public Defender Office*. Recognizes savings of \$421,117 GF in the second year from the Criminal Fund due to the opening of a new public defender office in Chesterfield County, pursuant to Chapter 341 of the 2021 Acts of Assembly, Special Session I (SB 1442). The savings reflect the estimated first year cost savings prorated for six months.

- **General District Courts**

- *Distribute Budget Reductions from Central Appropriations to Agency Budget*. Reduces by \$4.5 million GF the first year the agency's general fund budget to reflect approved budget reductions in Chapter 56 of the 2020 Acts of Assembly, Special Session I (HB 5005). These reductions were originally unallotted in Chapter 1289 of the 2020 Acts of Assembly (HB 30) and subsequently converted to budget reductions in 2020 Special Session I.
- *Reflect Criminal Fund Savings from New Public Defender Office*. Recognizes savings of \$486,803 GF in the second year from the Criminal Fund due to the opening of a new public defender office in Chesterfield County, pursuant to Chapter 341 of the 2021 Acts of Assembly, Special Session I (SB 1442). The savings reflect the estimated first year cost savings prorated for six months.

- **Juvenile and Domestic Relations District Courts**

- *Reflect Criminal Fund Savings from New Public Defender Office*. Recognizes savings of \$171,931 GF in the second year from the Criminal Fund due to the opening of a new public defender office in Chesterfield County, pursuant to Chapter 341 of the 2021 Acts of Assembly, Special Session I (SB 1442). The savings reflect the estimated first year cost savings prorated for six months.

- **Indigent Defense Commission**

- ***Distribute Budget Reductions from Central Appropriations to Agency Budget.*** Reduces by \$2.8 million GF the first year the agency’s general fund budget to reflect approved budget reductions in Chapter 56 of the 2020 Acts of Assembly, Special Session I (HB 5005). These reductions were originally unallotted in Chapter 1289 of the 2020 Acts of Assembly and subsequently converted to budget reductions in 2020 Special Session I. Only a first year reduction was included as Chapter 56 of the 2020 Acts of Assembly, Special Session I (HB 5005) did not include a second year reduction for the Commission.
- ***Remove Funding for Capital Defender Office.*** Removes \$3.9 million GF in the second year associated with the Capital Defender office due to the passage of Chapters 344 and 345 of the 2021 Acts of Assembly, Special Session I (HB 2263/SB 1165), which eliminate the death penalty. The 29 public defender positions are maintained within the Indigent Defense Commission, and separate amendments add funding for additional public defender and support staff positions.
- ***Provide Funding for New Public Defender Office.*** Includes \$3.2 million GF and 33.00 FTE positions the second year related to the opening of a new public defender office in Chesterfield County, pursuant to Chapter 341 of the 2021 Acts of Assembly, Special Session I (SB 1442) of the 2021 General Assembly. Companion amendments in the Circuit Courts, General District Courts, and Juvenile and Domestic Relations District Courts reflect a total of \$1.1 million GF savings in the second year from the Criminal Fund related to court-appointed attorney savings due to the opening of the new office.
- ***Add Funding for Attorney and Support Staff Positions.*** Adds \$1.8 million GF the second year for additional public defender, paralegal, mitigation specialist, and administrative support staff positions for the Indigent Defense Commission.
- ***Fully-fund Prince William County Public Defender Office.*** Provides additional funding of \$1.2 million GF the second year to reflect the full personnel and non-personnel operating cost of the public defender office established in 2020. Chapter 1289 of the 2020 Acts of Assembly (HB 30) provided \$2.7 million GF each year and 33.00 FTE positions to establish the new office, which did not fully reflect the salary and non-personnel related expenses of the office.
- ***Add Positions Due to Court of Appeals Expansion.*** Includes \$824,277 GF and 8.00 FTE positions the second year due to the jurisdictional expansion of the Court of Appeals, pursuant to Chapter 489 of the 2021 Acts of Assembly, Special Session I (SB 1261). Companion amendments in the Court of Appeals and the Office of the

Attorney General recognize additional funding and positions reflective of the Court of Appeals expansion.

- **Virginia Criminal Sentencing Commission**

- *Add Funding and Positions for Data Collection and Dissemination.* Provides \$333,200 GF and 2.00 FTE positions the second year to reflect the costs associated with Chapter 112 of the 2021 Acts of Assembly, Special Session I (SB 1391), which requires the Virginia Criminal Sentencing Commission to collect and disseminate certain statewide and locality-level data annually, and was a recommendation of the Virginia State Crime Commission.

- **Virginia State Bar**

- *Civil Defense Housing Attorneys.* Restores \$1.5 million GF the second year to support legal aid programs to assist low income tenants in housing eviction cases. The Virginia State Bar currently contracts with the Legal Services Corporation of Virginia to provide civil indigent defense to low-income Virginians. According to the State Bar, the additional funds will allow for the hiring of up to 20 additional attorneys who would be assigned to eviction dockets to provide an increased level of services to housing clients. A companion amendment separately reflects the reduction of \$1.5 million GF each year of approved reductions in Chapter 56 of the 2020 Acts of Assembly, Special Session 1 (HB 5005).
- *Distribute Budget Reductions from Central Appropriations to Agency Budget.* Reduces by \$1.5 million GF each year the agency's general fund budget to reflect approved budget reductions in Chapter 56 of the 2020 Acts of Assembly, Special Session I (HB 5005). These reductions were originally unallotted in Chapter 1289 of the 2020 Acts of Assembly (HB 30) and subsequently converted to budget reductions in 2020 Special Session I. There is no overall net GF reduction to the Virginia State Bar in the second year, as this \$1.5 million GF reduction is offset by the restoration of a like amount for civil defense housing attorneys.