

Department of Planning and Budget

2001 Fiscal Impact Statement

1. Bill Number HB2683

House of Origin ☐ Introduced ☐ Substitute ☒ Engrossed
Second House ☐ In Committee ☒ Substitute ☒ Enrolled

2. Patron Barlow

3. Committee Passed Both Houses

4. Title Compensation of court-appointed counsel.

5. Summary/Purpose:

Provides that when counsel is appointed to defend an indigent charged with a felony, such counsel shall continue to receive compensation as provided for defending such a felony, regardless of whether the charge is reduced or amended to a misdemeanor or lesser felony prior to final disposition of the case.

6. Fiscal Impact: Final, see #8 below.

7. Budget amendment necessary: No.

8. Fiscal implications:

Currently, appointed counsel are paid based on the nature of the conviction at final disposition. Counsel appointed to defend a felony conviction is paid more than, for example, a misdemeanor. According to the Office of the Executive Secretary of the Supreme Court, there will be a fiscal impact on the Criminal Fund resulting from this bill. However, there is not enough information available to determine the fiscal impact.

9. Specific agency or political subdivisions affected: The court system.

10. Technical amendment necessary: No.

11. Other comments:

During the 2000 Session of the General Assembly, the fee cap for court-appointed counsel for district courts was increased. However, the legislation, in a separate enactment clause, noted that the fee structure would be based on a prorated amount of the actual appropriation. Insufficient funding was provided to cover the entire cost of the increase noted in the bill, therefore, the actual fees are not reflected in the Code.

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