

Department of Planning and Budget 2002 Fiscal Impact Statement

1. **Bill Number** SB317

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

2. **Patron** Stolle

3. **Committee** Passed both houses

4. **Title** Public Defender Commission; duties.

5. **Summary/Purpose:**

Requires the Public Defender Commission to (i) require and ensure that each public defender office collects and maintains all case load data and fields in the case management database on an annual basis, (ii) report annually on or before July 1 to the Virginia State Crime Commission, the House and Senate Committees for Courts of Justice, the House Committee on Appropriations, and the Senate Committee on Finance detailing Virginia's ranking among the 50 states in terms of pay allowed for court-appointed counsel, cost effectiveness of the various public defender offices and the cost effectiveness of installing public defender offices into those localities that do not offer public defender services and (iii) establish four regional capital defense units by the end of fiscal year 2004. The bill also requires that counsel in capital cases be appointed from both the list of qualified attorneys developed by the Supreme Court and from one of the capital defense units established by the Public Defender Commission.

6. **Fiscal Impact Estimates are:** Final

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2002-03	\$748,359	12	GF
2003-04	\$1,721,557	24	GF

7. **Budget amendment necessary:** No

8. **Fiscal implications:** Any costs associated with the maintenance of the case management database and the delivery of annual reports to the required committees and commissions will be minimal and can be absorbed with current resources.

This legislation calls for the establishment of four regional capital defenders offices by the end of fiscal year 2004. According to the Public Defenders Commission, the phase in of two offices in fiscal year 2003 (assuming six months of funding) will require approximately \$486,599 for operating costs and \$261,760 for startup costs. Twelve positions will also be required. Total funding for these two offices for fiscal year 2004 will be \$973,198. The phase in of the remaining two offices in fiscal year 2004 will cost approximately \$748,359 and 12 positions, including startup costs. The total fiscal impact for fiscal year 2004 is estimated to be \$1.7 million and 24

positions. The projected annual cost for full operation of four regional capital defenders offices is \$2 million.

According to the Public Defenders Commission, each office will require one of each of the following: capital defender, deputy capital defender, assistant capital defender, mitigation/sentencing specialist, investigator/paralegal and administrative assistant.

The conferees provided full funding for the establishment and operation of the new office s for both fiscal years. The conferees provided \$1.8 million in fiscal year 2003 and \$1.9 million in fiscal year 2004 and 24 positions. A like amount of savings was captured from the Criminal Fund.

9. Specific agency or political subdivisions affected: The court system, Public Defender Commission and Criminal Fund.

10. Technical amendment necessary: No

11. Other comments: None

Date: 03/25/02/TMB

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