

Department of Planning and Budget 2004 Fiscal Impact Statement

1. Bill Number HB1397

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron Hogan

3. Committee House Courts of Justice

4. Title Service on petit juries.

5. Summary/Purpose:

Strengthens requirements for service on a petit jury by (i) stating service as an obligation; (ii) limiting the automatic disqualifications from jury service, removing lawyers from the list of persons automatically exempted from jury service and limiting exemptions from jury service by request to people aged 70 years or older or whose spouse is summoned to serve on the same jury panel; (iii) specifying requirements for postponing jury service and providing that failure to appear is a Class 2 misdemeanor (jail time of up to six months and a maximum fine of \$1,000); (iv) specifying grounds for authorizing excuses from jury service; (v) establishing the rights of petit jurors, including limiting service periods to one day except where a juror is selected for jury service; and (vi) establishing a "Lengthy Trial Fund," supported by a \$20 fee on civil cases, to provide wage supplementation or replacement of up to \$300 per day per juror when the period of jury service reaches 10 days. The bill repeals § 8.01-341.2, which allowed deferral or limitation of jury service on the grounds that service on specific dates or during a specific term would cause "particular occupational inconvenience."

6. Fiscal Impact Estimates are: Final

7. Budget amendment necessary: No

8. Fiscal implications: It is not possible at this time to determine the number of persons who might be convicted under this legislation. Anyone convicted of a Class 2 misdemeanor is subject to a sentence of up to six months in jail and a maximum fine of \$1,000. There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds most of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board, the estimated total state support for local jails averaged \$29.80 per inmate, per day in FY 2002. Any revenue generated from the enactment of this bill would be deposited into the Literary Fund.

9. Specific agency or political subdivisions affected: Localities and the Compensation Board

10. Technical amendment necessary: No

11. Other comments: None

Date: 01/27/04 / jwr

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cc: Secretary of Administration