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HOUSE BILL NO. 2859

Offered January 10, 2007

Prefiled January 10, 2007

A BILL to amend and reenact §§ 15.2-1629 and 15.2-1631 of the Code of Virginia, relating to attorneys for the Commonwealth in certain localities.

Patron—Moran

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That §§ 15.2-1629 and 15.2-1631 of the Code of Virginia are amended and reenacted as follows:**

§ 15.2-1629. Part-time attorneys for the Commonwealth in certain counties may seek full-time status.

A. Notwithstanding §§ 15.2-1627.1 and 15.2-1628, any attorney for the Commonwealth for a county may, with the consent of the Compensation Board, elect to devote full time to the duties of attorney for the Commonwealth at a salary equal to that for an attorney for the Commonwealth in a county with a population of more than 35,000. Such an election and consent by the Compensation Board shall be binding on the attorney for the Commonwealth and on successors in the office.

B. The Compensation Board shall prepare a list of localities eligible to have a full-time attorney for the Commonwealth and shall prioritize the list according to the following factors: ~~three-year average arrest figures; three-year average weighted arrest figures; caseload figures for the circuit court and all lower courts of the jurisdiction as compiled by the Supreme Court; the presence in the locality of penal institutions, mental health institutions, and colleges and universities; the transient population figures; the proximity of the jurisdiction to a large urban area; and any other factors deemed pertinent by the Compensation Board~~ *same workload measures used by the Compensation Board in staffing standards established for assistant attorney for the Commonwealth positions in Commonwealth's Attorneys' offices statewide.*

C. As used in this section, "arrests" means the total number of criminal arrests reported by the Department of State Police from data compiled for the Uniform Crime Report, and "weighted arrests" means the average for the immediately preceding three years of the sum derived from a formula which assigns values to the actual number of arrests as follows: murder, thirty; manslaughter, forcible rape, robbery and aggravated assault, fifteen; felonious possession, sale or manufacture of Schedule I or II controlled substances, burglary, forgery and motor vehicle theft, five; embezzlement, four and six-tenths; purchase or receipt of stolen property, three and one-half; larceny, two and six-tenths; fraud, two; and all other felonies and all misdemeanors other than traffic offenses, one and two-tenths.

D. Upon electing to become a full-time attorney for the Commonwealth and upon receiving additional funding of such office by the Compensation Board, the attorney for the Commonwealth shall not thereafter engage in the private practice of law. No such election shall become effective until the July 1 immediately following the date of election, or until another date as agreed upon by the attorney for the Commonwealth and the Compensation Board.

E. The Compensation Board shall fund such additional full-time offices of the attorney for the Commonwealth according to the priority list established in subsection B of this section, subject to appropriations by the General Assembly.

§ 15.2-1631. Part-time attorneys for the Commonwealth in certain cities may seek full-time status.

A. Notwithstanding §§ 15.2-1627.1 and 15.2-1630, any attorney for the Commonwealth for a city may, with the consent of the Compensation Board, elect to devote full time to the duties of attorney for the Commonwealth at a salary equal to that for an attorney for the Commonwealth in a city with a population of more than 35,000. Such an election and consent by the Compensation Board shall be binding on the attorney for the Commonwealth and on successors in the office.

B. The Compensation Board shall prepare a list of localities eligible to have a full-time attorney for the Commonwealth and shall prioritize the list according to the following factors: ~~three-year average arrest figures; three-year average weighted arrest figures; caseload figures for the circuit court and all lower courts of the jurisdiction as compiled by the Supreme Court; the presence in the locality of penal institutions, mental health institutions, and colleges and universities; the transient population figures; the proximity of the jurisdiction to a large urban area; and any other factors deemed pertinent by the Compensation Board~~ *same workload measures used by the Compensation Board in staffing standards established for assistant attorney for the Commonwealth positions in Commonwealth's Attorneys' offices statewide.*

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64 purchase or receipt of stolen property, three and one-half; larceny, two and six-tenths; fraud, two; and all
65 other felonies and all misdemeanors other than traffic offenses, one and two-tenths.

66 DC. Upon electing to become a full-time attorney for the Commonwealth and upon receiving
67 additional funding of such office by the Compensation Board, the attorney for the Commonwealth shall
68 not thereafter engage in the private practice of law. No such election shall become effective until the
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70 for the Commonwealth and the Compensation Board.

71 ED. The Compensation Board shall fund such additional full-time offices of the attorney for the
72 Commonwealth according to the priority list established in subsection B of this section, subject to
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