

Department of Planning and Budget 2008 Fiscal Impact Statement

1. Bill Number: SB244ER

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

2. Patron: Howell

3. Committee: Passed Both Houses

4. Title: Magistrates

5. Summary: Reforms the magistrate system by transferring appointment and supervisory responsibilities from the circuit court judges to the Executive Secretary of the Supreme Court. The bill requires certain minimum educational requirements for magistrates and also broadens magistrates' geographical assignment from within a particular judicial district to regions established by the Executive Secretary.

6. Fiscal Impact Estimates: Final (see Item 8)

6a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2009	\$3,572,398	35	General Fund
2010	\$4,259,878	46	General Fund
2011	\$4,259,878	46	General Fund
2012	\$4,259,878	46	General Fund
2013	\$4,259,878	46	General Fund
2014	\$4,259,878	46	General Fund

7. Budget Amendment Necessary: No

8. Fiscal Implications: This legislation enables the implementation of the recommendations of the Supreme Court of Virginia as a result of the magistrate system study authorized by Item 30 (G) of Chapter 847, 2007 Virginia Acts of Assembly.

A study undertaken by the magistrate stakeholders group detected several deficiencies in managerial oversight and magistrate training. The added positions would create a system-wide training department, structure the magistrate system by regions and staff with regional managers and advisors, add about twenty new magistrates and increase the use of videoconferencing and other web-based technology.

The Governor's introduced budget bill included FY09 funding of \$3,572,398 and FY10 funding of \$4,259,878 to restructure and staff the magistrate system. According to the Supreme Court of Virginia, the increased educational requirements outlined in this legislation warrant salary increases commensurate with the new standards. The courts are proposing a salary increase for magistrates which would amount to \$1,961,566 in FY09 and \$7,846,265

in FY10. The introduced budget did not include funding for additional salary increases for magistrates as they received an 8 percent increase this biennium along with other judicial officers, and any magistrate salary increase should be deferred until such time that it can be determined that the overall restructuring process is yielding the desired improvements to the system (performance); thusly, the calculation for salary increases is not included in Item 6a. above. Consistent with this, neither the House nor Senate money committees added any funding for magistrate salary increases in their proposed budgets.

9. Specific Agency or Political Subdivisions Affected: Magistrate System, Supreme Court of Virginia

10. Technical Amendment Necessary: No

11. Other Comments: Same as HB903

Date: 4/1/2008 DPB

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