

Department of Planning and Budget 2010 Fiscal Impact Statement

1. Bill Number: HB483

House of Origin X Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: BaCote

3. Committee: Courts of Justice

4. Title: **Juvenile correctional centers; appointment of counsel.**

5. Summary: Provides for the appointment of an attorney to assist individuals confined in a juvenile correctional center regarding any legal matter relating to their incarceration.

6. Fiscal Impact Estimates: Preliminary; See Item 8 below.

7. Budget Amendment Necessary: **No. Funded in the introduced bill.**

8. Fiscal Implications: The Governor's introduced budget includes an appropriation of \$30,240 to support this proposed legislation.

To determine the estimated cost of this proposal, the agency relied upon the current hourly compensation for an attorney appointed in a delinquency proceeding in juvenile court (\$90.00 per hour) and that one attorney would be appointed for each juvenile correctional center (seven attorneys). Also, at the time this amount was determined the agency had seven juvenile correctional centers and assumed each attorney would make two visits per month for two hours each.

The following formula was used to determine the funding needed:

$$7 \text{ attorneys} \times 24 \text{ visits} \times 2 \text{ hours} \times \$90/\text{hour} = \underline{\$30,240}$$

An attorney visiting each of the facilities (7) twice per month for two hours at the \$90 rate.

It should be noted that when the budget proposal was developed, the agency operated seven juvenile correctional centers located in five separate jurisdictions. Currently the department operates six juvenile correctional centers since Natural Bridge Correctional Center was closed due to budget reductions.

The agency noted that if each attorney visits each facility twice a month for an average visit of three hours, then the estimated annual fiscal impact would be \$45,360. Similarly, if each attorney visits each facility twice a month for an average visit of four hours, the estimated annual fiscal impact would be \$60,480.

The Supreme Court of Virginia has produced an alternative estimate based on different factors. It estimates the fiscal impact of this proposal ranges between \$71,280 and \$95,040. The Supreme Court has included additional costs based on their knowledge dealing with the

adult population at the Department of Corrections. Included in their calculation are estimated hours that were spent in the facility doing follow-up by attorneys (in their office after each visit). Additionally, an average cost of ten percent of the total amount paid to attorneys was added for expenses (e.g., postage, mileage, and copies).

\$64,800 (5 attorneys x 24 visits x 6 hours x \$90/hour) + \$6,480 (10% of total) = \$71,280

An attorney visiting each facility twice per month for three hours and then spending an average of three hours in the office on follow-up at the \$90 rate, plus 10% for expenses.

\$86,400 (5 attorneys x 24 visits x 8 hours x \$90/hour) + \$8,640 (10% of total) = \$95,040

An attorney visiting each facility twice per month for four hours and then spending an average of four hours in the office on follow-up at the \$90 rate, plus 10% for expenses.

The Department of Juvenile Justice suggests that the juvenile population is not nearly as complicated as that of adult inmate population and therefore the Supreme Court estimated costs are high. The department believes that the adult population has legal matters that the juvenile population would not typically have, such as legal issues concerning marriage, divorce, child custody and support, bankruptcy, foreclosure, wills, trusts, and estates.

- 9. Specific Agency or Political Subdivisions Affected:** Department of Juvenile Justice, Supreme Court of Virginia and juvenile and domestic relations district court judges

10. Technical Amendment Necessary: No.

11. Other Comments: Similar to SB 585.

Date: 2/2/2010 dpb/John Crooks

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