

Department of Planning and Budget 2010 Fiscal Impact Statement

1. Bill Number: SB531S1

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|-----------------|---------------|--------------|---------------|------------|---------------|-----------|
| House of Origin | <u> X </u> | Introduced | <u> X </u> | Substitute | <u> </u> | Engrossed |
| Second House | <u> </u> | In Committee | <u> </u> | Substitute | <u> </u> | Enrolled |

2. Patron: McDougle, R.

3. Committee: Senate Finance

4. Title: Increase Fees for Attorneys for the Commonwealth in Criminal Cases

5. Summary: Increases from \$15 to \$40 the fee that an attorney for the Commonwealth may receive for a felony case, and from \$5 to \$15 the fee that an attorney for the Commonwealth may receive for a misdemeanor case. The fee is applied per count. These bills apply only to cases in circuit court upon a conviction. The fee is collected as a part of the court costs.

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

7. Budget Amendment Necessary: No

8. Fiscal Implications: According to the Supreme Court of Virginia (SCV), there will likely be some additional programming required in order to implement the new fees. However, this can be accomplished with current resources available to the court system.

The fees currently collected pursuant to § 15.2-1627.3 are split evenly between the state and localities. During FY2009, approximately \$345,000 was collected for the state portion, and an equal amount for the local portion. It is not known what percentage of the collections were \$15 fees for felony counts and what percentage were \$5 fees for misdemeanor counts. Because this legislation increases the two fees by different percentages, it is difficult to estimate the additional revenue that might be generated by this legislation. An increase in fees may lower fee collection levels.

Despite this, assuming an approximate revenue increase of nearly 183 percent, the potential additional revenue to the general fund would be \$632,500 per year.

9. Specific Agency or Political Subdivisions Affected: Courts, Localities

10. Technical Amendment Necessary: Yes, the fees and percentages referenced in §§17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.8, and 17.1-275.9 would need to be updated

11. Other Comments: Same as HB1208

Date: 2/8/2010

Document: G:\2010 FIS\SB531S1.Doc Reginald Thompson

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