

Department of Planning and Budget 2010 Fiscal Impact Statement

1. Bill Number: SB585-ES1

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

2. Patron: Marsden

3. Committee: Not Yet Assigned

4. Title: Appointment of counsel for juveniles in correctional facilities.

5. Summary: Provides that the judge of a juvenile and domestic relations district court in a jurisdiction where a state juvenile correctional facility is located shall appoint one or more attorneys to assist juveniles confined to such facilities with legal matters relating to their confinement. The attorney shall be paid from the criminal fund. Added is a provision that this legislation is not effective unless an appropriation of general fund for this purpose is provided.

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

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

8. Fiscal Implications: The introduced budget includes an appropriation of \$30,240 each year to support this proposed legislation in the Criminal Fund under courts. In the budget amendments reported by the Senate Finance Committee, this funding is retained. In the budget amendments reported by the House Appropriations Committee, this funding is eliminated.

To determine the estimated cost of this proposal, the Department of Juvenile Justice 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, it was assumed that each attorney would make two visits per month for two hours per visit.

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 since the budget proposal was developed, the agency has closed the Natural Bridge Juvenile Correctional Center. This closure reduces the number of attorneys needed to six. With fewer attorneys, \$4,320 in the introduced budget is available to fund attorney expenses.

The Supreme Court of Virginia has produced an alternative estimate based upon 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 its knowledge dealing with the adult population at the Department of Corrections. Included in its 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, Virginia Supreme Court and juvenile and domestic relations district court judges

10. Technical Amendment Necessary: Yes. General fund should not be plural. As such, on line 20, strike “funds” and insert “fund”.

11. Other Comments: Similar to HB 483.

Date: 2/25/2010 dpb/John Crooks

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