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HOUSE BILL NO. 1259

Offered January 20, 2012

A *BILL to amend and reenact §§ 2.2-203, 2.2-612, 2.2-1839, 2.2-1840, 9.1-102, 9.1-115, 9.1-165, 9.1-921, 9.1-922, 15.2-540, 15.2-639, 15.2-848, 15.2-1508.2, 15.2-1534, 15.2-1603, 15.2-1605.2, 15.2-1606, 15.2-1608.1, 15.2-1608.2, 15.2-1609.1, 15.2-1609.2, 15.2-1609.5, 15.2-1609.6, 15.2-1609.8, 15.2-1609.9, 15.2-1615.1, 15.2-1626, 15.2-1627.1, 15.2-1629 through 15.2-1633, 15.2-1711, 15.2-2502, 15.2-2507, 17.1-279, 17.1-283, 17.1-285, 17.1-288, 17.1-290, 17.1-294, 17.1-502, 17.1-507, 19.2-83.2, 19.2-155, 19.2-156, 19.2-328, 19.2-349, 19.2-390.01, 22.1-117, 22.1-118, 30-34.5, 44-123.3, 46.2-416, 51.1-138, 51.1-806, 53.1-83.1, 53.1-84, 53.1-85, 53.1-94, 53.1-95.8:1, 53.1-95.19, 53.1-109.1, 53.1-115.1, 53.1-120, 53.1-121, 53.1-125, 53.1-131.1, 53.1-218, 58.1-3106, 63.2-311, 63.2-525, and 63.2-1948 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 8 of Title 2.2 an article numbered 3, consisting of sections numbered 2.2-817 through 2.2-832, by adding in Chapter 1 of Title 9.1 an article numbered 3.1, consisting of sections numbered 9.1-137.1 through 9.1-137.10, and by adding in Chapter 3 of Title 17.1 an article numbered 4, consisting of sections numbered 17.1-332, 17.1-333, and 17.1-334; and to repeal Article 6.1 (§§ 15.2-1636.1 through 15.2-1636.20) of Chapter 16 of Title 15.2 of the Code of Virginia, relating to the abolishment of the State Compensation Board.*

Patrons—Landes, Jones and O'Bannon

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-203, 2.2-612, 2.2-1839, 2.2-1840, 9.1-102, 9.1-115, 9.1-165, 9.1-921, 9.1-922, 15.2-540, 15.2-639, 15.2-848, 15.2-1508.2, 15.2-1534, 15.2-1603, 15.2-1605.2, 15.2-1606, 15.2-1608.1, 15.2-1608.2, 15.2-1609.1, 15.2-1609.2, 15.2-1609.5, 15.2-1609.6, 15.2-1609.8, 15.2-1609.9, 15.2-1615.1, 15.2-1626, 15.2-1627.1, 15.2-1629 through 15.2-1633, 15.2-1711, 15.2-2502, 15.2-2507, 17.1-279, 17.1-283, 17.1-285, 17.1-288, 17.1-290, 17.1-294, 17.1-502, 17.1-507, 19.2-83.2, 19.2-155, 19.2-156, 19.2-328, 19.2-349, 19.2-390.01, 22.1-117, 22.1-118, 30-34.5, 44-123.3, 46.2-416, 51.1-138, 51.1-806, 53.1-83.1, 53.1-84, 53.1-85, 53.1-94, 53.1-95.8:1, 53.1-95.19, 53.1-109.1, 53.1-115.1, 53.1-120, 53.1-121, 53.1-125, 53.1-131.1, 53.1-218, 58.1-3106, 63.2-311, 63.2-525 and 63.2-1948 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 8 of Title 2.2 an article numbered 3, consisting of sections numbered 2.2-817 through 2.2-832, by adding in Chapter 1 of Title 9.1 an article numbered 3.1, consisting of sections numbered 9.1-137.1 through 9.1-137.10, and by adding in Chapter 3 of Title 17.1 an article numbered 4, consisting of sections numbered 17.1-332, 17.1-333, and 17.1-334 as follows:

§ 2.2-203. Position established; agencies for which responsible.

The position of Secretary of Administration (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies and boards: Department of Human Resource Management, Department of General Services, ~~Compensation Board~~, Secretary of the Commonwealth, Department of Employment Dispute Resolution, and Virginia Public Broadcasting Board. The Governor may, by executive order, assign any other state executive agency to the Secretary, or reassign any agency listed above to another Secretary.

§ 2.2-612. Notification to localities of reduction or discontinuation of service.

A. No agency, board, commission or other entity of the Commonwealth shall take any action to reduce or discontinue a service that it performs for a local government or reduce or discontinue any form of financial assistance to a local government without first notifying all affected local governments at least 90 days in advance of the proposed action. However, in emergencies, certified by the Governor for executive branch agencies or by the chief administrative officer for any other entity of the Commonwealth, such action may be taken immediately following the notice.

B. The provisions of subsection A shall not apply to any action taken by an executive branch agency or other entity of the Commonwealth pursuant to a specific legislative requirement, agreement or contract negotiated with a local government, the application of a statute prescribing periodic adjustments in state financial assistance, workforce reduction resulting from diminished appropriation or legislated early retirement provisions, or judicial decree.

C. Nothing in subsection A shall apply to any officer who receives funding under ~~§ 15.2-1636.7~~ § 2.2-822, 9.1-137.1, or 17.1-332 or who may appeal ~~Compensation Board~~ budget decisions under ~~§ 15.2-1636.9 or § 15.2-1636.10~~, § 2.2-824, 9.1-137.4, or 17.1-334, or to those payments made to localities in accordance with §§ 53.1-20.1, 53.1-83.1, 53.1-84, or § 53.1-85.

INTRODUCED

HB1259

Article 3.

*Treasurers, Commissioners of Revenue, and Attorneys for the Commonwealth.**§ 2.2-817. Salaries of city commissioners of the revenue.*

A. The annual salaries of city commissioners of the revenue shall be as prescribed in the general appropriation act, except as otherwise provided in § 2.2-827.

B. Notwithstanding the repeal of §§ 14-8.1, 14-70, 14-70.1, 14-70.2 and 14-75, effective July 1, 1964, the prior authority of such sections is continued in effect as to any person holding office on such date.

§ 2.2-818. Salaries of county commissioners of revenue.

A. The annual salaries of county commissioners of the revenue shall be as prescribed in the general appropriation act, except as otherwise provided in § 2.2-827.

B. Notwithstanding the repeal of §§ 14-8.1, 14-71, 14-71.1, 14-71.2, 14-71.3 and 14-75, effective July 1, 1964, the prior authority of such sections is continued in effect as to any person holding office on such date.

§ 2.2-819. Real estate transfer and license fees in counties.

The treasurers of the several counties shall hereafter collect the license fees and any other fees of the county commissioners of the revenue and shall pay the county fees into the county treasury and the state fees into the state treasury.

§ 2.2-820. Real estate transfer and license fees in cities.

Such officers as may be authorized by law to collect city licenses shall collect all such license fees and apply them to the credit of their respective city treasuries. The treasurers of the several cities shall hereafter collect all state license fees and apply them to the credit of the Commonwealth.

§ 2.2-821. Statement of receipts and expenses of treasurers and commissioners of revenue.

The Comptroller shall as soon as practicable annually furnish the board of supervisors or other governing body of each county and city with the statement showing receipts and expenses of office and of treasurers and commissioners making reports under this article.

§ 2.2-822. Filing requests for salaries by treasurers and commissioners of revenue.

A. At the times hereinafter prescribed, every city and county treasurer and commissioner of the revenue, or any officer, whether elected or appointed, who holds the combined office of county or city treasurer and commissioner of the revenue, in addition to all such officers serving two or more local governments who were elected pursuant to § 15.2-1602, shall file with the Comptroller, upon forms prescribed by him, a written request for the expense of his office, stating the amount of salaries requested, and itemizing each item of expense for which allowance is sought, and every such officer shall concurrently file a copy of the request with the governing body of the county or city. Such requests shall be filed on or before February 1 preceding the beginning of the fiscal year for which such requests are made.

B. At the times hereinafter prescribed, every attorney for the Commonwealth shall file with the Comptroller, upon forms prescribed by him, a written request for the expense of his office, stating the amount of salaries requested, and itemizing each item of expense for which allowance is sought, and every such officer shall concurrently file a copy of the request with the governing body of the county or city. Such requests shall be filed on or before February 1 preceding the beginning of the fiscal year for which such requests are made.

C. The Comptroller may, at any time, submit to any treasurer, commissioner of revenue or attorney for the Commonwealth a written questionnaire concerning the affairs of his office, to ascertain all facts relevant to the determination of the proper allowance to be made with respect to the officer's salaries and the expenses of his office. Every treasurer, commissioner of revenue, or attorney for the Commonwealth shall answer fully and completely all questions so propounded and shall return the questionnaire to the Comptroller within five days.

D. The provisions of this section shall not affect the powers of any county operating under an optional form of organization and government as provided by Chapter 3 (§ 15.2-300 et seq.) of Title 15.2 to determine the budgets of the aforementioned officers.

§ 2.2-823. Duties of Comptroller in fixing salaries, expenses, etc.

A. All salaries of treasurers, commissioners of revenue, and attorneys for the Commonwealth shall be as hereinafter provided. The expenses and other allowances of all such officers shall be fixed and determined on or before May 1 of each year. The Comptroller shall, no later than the 15th day following final adjournment of the General Assembly of Virginia in each session, provide to such officers and the local governing body of each city and county he represents, an estimate of expenses and other allowances to be fixed by the Comptroller for the next fiscal year. The Comptroller shall carefully consider the questionnaires and written requests filed as required by this section and consider the work involved in the discharge of the duties of the respective officers, the extent to which such duties are imposed by actions of the local governing body, the amount expended or proposed to be expended by each for clerks, deputies and other assistants, the efficiency with which the affairs of each such office are conducted, and such other matters as the Comptroller may deem pertinent and material, including

the number of local governments served if more than one, the pay and compensation plan of each political subdivision, if it has one, and the locality's plans for adjustments of salaries and expenses for the ensuing fiscal year, as well as the plan of the Commonwealth for adjustment of state salaries and expenses for such year.

B. The Comptroller shall fix and determine what constitutes a fair and reasonable budget for the participation of the Commonwealth toward the total cost of the office. Such budgets, in the aggregate, shall not contemplate state expenditures in excess of the appropriation available to the Comptroller. In his deliberations with respect to any office of an attorney for the Commonwealth for any city with a population over 350,000 and any city contiguous thereto, the Comptroller shall not consider whether the volunteer assistants are being used in that office. Such budgets, in the aggregate, shall not contemplate state expenditures in excess of the appropriation available to the Comptroller.

C. When the salaries, expenses, and other allowances for the several counties and cities have been tentatively fixed by the Comptroller he shall notify the governing body of each city and county of the amounts so fixed. Within 30 days thereafter, but not later, the governing body may file with the Comptroller any objection it may have to such allowances so fixed. When such objection is filed the Comptroller shall fix a time for a hearing on such objection, of which time the governing body as well as the officer affected shall have at least 15 days' notice.

D. The Comptroller shall record the salary of each such officer, his assistants, and the allowances made for other items, and shall promptly notify each such officer of the same with respect to his office.

§ 2.2-824. Appeal from decision of the Comptroller.

A. Any treasurer, commissioner of revenue, or attorney for the Commonwealth whose budget is affected by a decision of the Comptroller under this article made for the fiscal year pursuant to and at the time designated by §§ 2.2-822 and 2.2-823 and no other, or any county or city affected thereby, or the Attorney General as representative of the Commonwealth, shall have the right to appeal any such decision of the Comptroller, within 45 days from the date of such decision. Such appeal shall lie with the circuit court of the county or city wherein the treasurer, commissioner of revenue, or attorney for the Commonwealth making the appeal resides. The court shall be presided over by three judges of circuit courts remote from that to which the appeal is taken. The three judges shall be chosen by the Chief Justice of the Supreme Court from a panel of 15 active or retired judges selected to hear such matters by the Supreme Court. Such judges shall remain on the panel for a period of time determined by the Chief Justice of the Supreme Court. No judge may be appointed to hear an appeal involving a jurisdiction in his current or former circuit. Notice of such appeal shall be given within the time above specified by any such treasurer, commissioner of revenue, or attorney for the Commonwealth to the Comptroller, the county or city affected, and the Attorney General. The officer appealing shall, in the appeal, state with specificity what action of the Comptroller the officer is contesting, the additional services provided to the locality not required by law, and the cost of providing such services. The Comptroller shall notify the Chief Justice forthwith when all administrative remedies have been exhausted by the appellant and the three-judge court shall be designated upon receipt of the notice by the Chief Justice. The appeal shall be heard within 45 days from the date such notice is filed by the Comptroller with the Chief Justice. At least 15 days' notice of the time and place set for the hearing shall be given the officer noting such appeal, the county or city affected, the Comptroller, and the Attorney General. On such appeal all questions involved in said decision shall be heard de novo by the court and its decision on all questions shall be certified by the clerk thereof to the officer affected, to the locality, and to the Comptroller.

B. In making its decision, the court shall give consideration to the amount of funds budgeted and expended by the local government for the treasurer, commissioner of revenue, or attorney for the Commonwealth that exceeds the amount reimbursed by the Comptroller, the extent to which the officer provides additional services to the locality not required by law and to what extent, if any, the local government should participate in providing the additional funding requested by the treasurer, commissioner of revenue, or attorney for the Commonwealth. The court shall also give consideration both to the officer's ability to perform his statutory duties without additional funding and the ability of the Comptroller and local government to provide additional funding for the officer's functions. The court shall also consider maximum staffing and funding levels set in the general appropriation act and any other statutory provisions that would otherwise prohibit the Comptroller from granting the officer's request. The burden of proving the necessity of additional funding shall be borne by the officer.

C. After due consideration of Comptroller and local government statutory authority and the treasurer's or commissioner of revenue's demonstrated need for additional funding, the court shall determine the extent to which the Comptroller and local government shall share in the additional funding.

D. Should the court determine that additional funding is necessary for the officer to perform his duties, and that it is the responsibility of the Comptroller to provide all or part of the additional funds,

182 and that the Comptroller does not have the ability to provide such additional funding, the Comptroller
183 shall request the necessary additional funding from the General Assembly at its next occurring regular
184 session.

185 E. Should the court determine that additional funding is necessary for the officer to perform his
186 duties that it is the responsibility of the local government to provide all or part of the additional funds,
187 and that the local government does not have the ability to provide such additional funding, the chief
188 administrative officer of the local government shall include such request in the budget submission to the
189 local governing body.

190 F. From the decision of the court there shall be no right of further appeal. The decision of the court
191 shall be within the difference between the amounts originally requested by the appealing officer
192 pursuant to § 2.2-822 and the amounts fixed by the Comptroller for such fiscal year; however, when the
193 appeal is filed by a county or city, such decision shall be within the difference between the prior
194 salaries, expenses, and other allowances of such officer and the amounts fixed by the Comptroller for
195 such fiscal year. In the event an appeal is filed by both the officer affected and the county or city
196 affected, such decision shall be within the difference between the amounts originally requested by the
197 appealing officer pursuant to § 2.2-822 and the prior salaries, expenses, and other allowances of such
198 officer.

199 G. In pursuing the provisions of this section, a treasurer, commissioner of revenue, or attorney for
200 the Commonwealth may use funds designated by the Comptroller or appropriated by their local
201 governing body to employ independent counsel, provided that funds have been specifically appropriated
202 for such purpose.

203 § 2.2-825. Determination of population.

204 For the purpose of fixing salaries specified in §§ 15.2-1608.1, 15.2-1608.2, 15.1-1627.1, 2.2-817, and
205 2.2-818, the population of each county and city shall be according to the most recent United States
206 census. If the area of any city has, since the most recent United States census, been increased by
207 annexation, the population of such city, for such purposes, shall be the population thereof as shown by
208 the last preceding United States census, plus the increase resulting from such annexation. Whenever it
209 appears to the satisfaction of the Comptroller that the population of any county or city has, since the
210 last preceding United States census, increased so as to entitle such county or city to be placed in a
211 higher salary bracket, such county or city shall be considered within such higher salary brackets

212 § 2.2-826. Increase in salaries in certain cases.

213 Any treasurer or commissioner of revenue whose salary in the year ending June 30, 1980, included
214 an increase under deleted provisions of former § 14.1-62 shall receive the same amount of such increase
215 for the terms in which he continues in office.

216 § 2.2-827. Time and manner of payment.

217 A. The salaries fixed in accordance with this article shall be paid in equal monthly installments. The
218 expenses and other allowances of office within the limits fixed by the Comptroller shall be paid monthly
219 on the submission of satisfactory evidence that such expenses and other allowances were actually
220 incurred. All counties and cities shall pay the entire amount of such salaries, expenses, and other
221 allowances and, upon notification to the Comptroller, the Commonwealth shall reimburse all such
222 counties and cities for the Commonwealth's proportionate share of such salaries, compensation, benefits
223 under § 51.1-137, and other expense allowances.

224 B. In the event a county or city shall fail to make timely payment of the salaries, expenses or other
225 allowances fixed in accordance with the provisions of law applicable thereto, the Comptroller shall
226 withhold all reimbursements for the office or offices affected thereby until such salaries, expenses, or
227 other allowances have been paid, unless such county or city has appealed pursuant to § 2.2-823 or
228 2.2-824.

229 C. The Comptroller may provide advance payments on a monthly pro rata basis to any county or
230 city and adjust subsequent monthly advances based on actual expenditures incurred in the preceding
231 month. Should the Comptroller elect to make such advance payments to any locality, then he shall make
232 such advance payments to all localities that request the same.

233 § 2.2-828. Proportion borne by Commonwealth and by localities.

234 A. The salaries, expenses, and other allowances of treasurers and commissioners, or any officers,
235 whether elected or appointed, who hold the combined office of county or city treasurer and
236 commissioner of the revenue in the counties and cities shall be paid in the proportion of one-half by the
237 respective counties and cities and one-half by the Commonwealth, except as hereafter in this section
238 provided.

239 B. The salary, expenses and other allowances of any city treasurer who neither collects nor disburses
240 local taxes or revenues shall be paid entirely by the Commonwealth, and the salary, expenses and other
241 allowances of any city treasurer who disburses local revenues but does not collect the same shall be
242 paid in the proportion of one-third by the city and two-thirds by the Commonwealth.

243 C. In no event shall the amount paid by each city and county as its share of the salary of its

respective treasurer and commissioner in any fiscal year exceed the actual dollar amount paid by such city and county for such salaries during the fiscal year ending June 30, 1980.

D. In the case of each county and city treasurer except a city treasurer who neither collects nor disburses local taxes or revenues, and in the case of each county and city commissioner of the revenue, the cost of such office furniture, office equipment, and office appliances as may be specifically authorized by and included in the then-current expense allowance made to such officer under the provisions of this article, shall be paid in the proportion of two-thirds by the county or city and one-third by the Commonwealth. The prices paid for such office furniture, office equipment, and office appliances shall not be in excess of the prices available to the Commonwealth if such purchases were made through the Department of General Services' Division of Purchases and Supply. The words "office furniture, office equipment, and office appliances," as used in this subsection, mean such items of this character as have a useful life of more than one year; and the word "cost," as used in this subsection, may include a rental cost, in the discretion of the Comptroller, in any case in which, in the opinion of the Comptroller, such rental cost, in whole or in part, is properly included in the expense allowance.

E. If any county or city commissioner of the revenue or county or city treasurer uses any forms, sheets, or books of any kind for the assessment or collection of state or local taxes or levies, or in connection with the assessment or collection of such taxes or levies, in lieu of the standard forms, sheets, or books furnished by the Commonwealth, no part of the cost of such forms, sheets, or books shall be paid by the Commonwealth, but their entire cost shall be paid out of the treasury of the county or city whose governing body required, authorized, or consented to their use. This subsection shall not be construed as enlarging the existing powers of local governing bodies to require, authorize, or consent to the use of such forms, sheets, or books.

F. The cost of all forms, sheets, and books of all kinds used for the assessment or collection of local license and local excise taxes or used in connection with the assessment or collection of local license and local excise taxes, shall be paid entirely out of the local treasury, including the cost of any tags, stamps, stickers, or other devices intended to evidence the payment of any such local license or local excise taxes.

G. The cost of all forms, sheets, and books of all kinds used in the ascertainment, billing or collection of charges for utility or other special services rendered by a county or city, or by any district or agency thereof shall be paid entirely by the locality, although it may be the duty of the treasurer or the commissioner of the revenue to ascertain or collect such charges under applicable provisions of law.

H. The governing body of each county and city shall provide suitable office space for the treasurer and commissioner of the revenue, together with the necessary heat, light, water, and janitorial service. The entire cost of providing such office space, heat, light, water, and janitorial service shall be paid out of the local treasury.

I. The provisions of this section, as amended, shall not affect any county operating under an optional form of organization and government as provided by Chapter 3 (§ 15.2-300 et seq.) of title 15.2.

§ 2.2-829. Manner of payment of certain items contained in budgets of treasurers and commissioners of the revenue.

A. Whenever a treasurer, commissioner of the revenue, or attorney for the Commonwealth purchases office furniture, office equipment, office appliances, tax tickets for state and local taxes collectible by county and city treasurers, stationery, office supplies, postage, data processing services, printing, advertising, telephone or telegraph service, or repairs to office furniture and equipment in conformity with and within the limits of allowances duly made and contained in the then-current budget of any such officer under the provisions of this article, the invoices therefor, after examination as to their correctness, shall be paid by the county or city directly to the vendors, and the Commonwealth shall monthly pay the county or city the state's proportionate part of the cost of such items on submission by such officer to the Comptroller of duplicate invoices and such other information or evidence as the Comptroller may deem necessary. This section shall also apply to the payment of the premiums on the official bonds of such officers, their deputies and employees, and to the premiums on burglary and other insurance, except the premium on the bond of a treasurer the payment of which is governed by other provisions of law.

B. This section shall not apply to any city treasurer whose city is not required to pay any part of the cost of such items, in which event the Comptroller shall pay the vendor upon receipt of the required invoices and other information.

§ 2.2-830. Appropriations chargeable with Commonwealth's proportion of salaries, etc.

The Commonwealth's proportion of the salaries, expenses, and other allowances of the treasurers and commissioners of the revenue shall be paid out of the appropriations made for those purposes in the general appropriation act.

The budgets fixed by the Comptroller may thereafter be amended by the Comptroller upon the request of the officer or local governing body or when changed circumstances so require. No budget

shall be increased if any portion of the increase is payable from local funds without the concurrence of the local governing body.

All provisions of charters of cities and towns inconsistent with the provisions of this article are hereby repealed to the extent of such inconsistency.

§ 2.2-831. Payments to counties that do not have certain officers.

The Comptroller shall determine the compensation and expense allowances for the attorney for the Commonwealth, the treasurer, and the commissioner of the revenue for each county that adopts any form of county organization and government provided for in Chapter 5 (§ 15.2-500 et seq.) or Chapter 8 (§ 15.2-800 et seq.) of this Title 15.2 in the same manner as if such county had not adopted such form of county organization and government and had continued to have all of such officers. Thereafter, the portion of such compensation and such expense allowances payable by the Commonwealth shall be paid into the general fund of the treasury of the county. The actual compensation and expense allowances to be paid the attorney for the Commonwealth, the treasurer, and the commissioner of the revenue, or the officers, agents, or employees performing the duties and exercising the powers thereof, of any such county shall be fixed and determined as provided in said Chapter 5 (§ 15.2-500 et seq.) or Chapter 8 (§ 15.2-800 et seq.) of Title 15.2 without regard to the limits provided for in this article.

§ 2.2-832. Payments to localities under the Personal Property Tax Relief Act of 1998.

Localities shall be reimbursed for the administrative costs associated with the implementation of Chapter 35.1 (§ 58.1-3523 et seq.) of Title 58.1. Notwithstanding the provisions of § 2.2-282 and Item 70 of Chapter 464 of the Acts of Assembly of 1998, the Comptroller shall approve and reimburse 100 percent of such costs that he deems fair and reasonable. The manner of submitting and preparing estimates for such costs and for reimbursements shall be as directed by the Comptroller.

§ 2.2-1839. Risk management plans administered by the Department of the Treasury's Risk Management Division for political subdivisions, constitutional officers, etc.

A. The Division shall establish one or more risk management plans specifying the terms and conditions for coverage, subject to the approval of the Governor, and which plans may be purchased insurance, self-insurance or a combination of self-insurance and purchased insurance to provide protection against liability imposed by law for damages and against incidental medical payments resulting from any claim made against any county, city or town; authority, board, or commission; sanitation, soil and water, planning or other district; public service corporation owned, operated or controlled by a locality or local government authority; constitutional officer; state court-appointed attorney; any attorney for any claim arising out of the provision of pro bono legal services for custody and visitation to an eligible indigent person under a program approved by the Supreme Court of Virginia or the Virginia State Bar; any receiver for an attorney's practice appointed under § 54.1-3900.01 or 54.1-3936; affiliate or foundation of a state department, agency or institution; any clinic that is organized in whole or primarily for the delivery of health care services without charge; volunteer drivers for any nonprofit organization providing transportation for persons who are elderly, disabled, or indigent to medical treatment and services, provided the volunteer driver has successfully completed training approved by the Division; any local chapter or program of the Meals on Wheels Association of America or any area agency on aging, providing meal and nutritional services to persons who are elderly, homebound, or disabled, and volunteer drivers for such entities who have successfully completed training approved by the Division; any individual serving as a guardian or limited guardian as defined in § 37.2-1000 for any consumer of a community services board or behavioral health authority or any patient or resident of a state facility operated by the Department of Behavioral Health and Developmental Services; for nontransportation-related state construction contracts less than \$500,000, where the bid bond requirements are waived, prospective contractors shall be prequalified for each individual project in accordance with § 2.2-4317; or the officers, agents or employees of any of the foregoing for acts or omissions of any nature while in an authorized governmental or proprietary capacity and in the course and scope of employment or authorization.

For the purposes of this section, "delivery of health care services without charge" shall be deemed to include the delivery of dental, medical or other health services when a reasonable minimum fee is charged to cover administrative costs.

For purposes of this section, a sheriff or deputy sheriff shall be considered to be acting in the scope of employment or authorization when performing any law-enforcement-related services authorized by the sheriff, and coverage for such service by the Division shall not be subject to any prior notification to or authorization by the Division.

B. Participation in the risk management plan shall be voluntary and shall be approved by the participant's respective governing body or (i) by the ~~State Compensation Board in the case of constitutional officers~~ State Comptroller in the case of treasurers, commissioners of the revenue, and attorneys for the Commonwealth, (ii) by the Director of the Department of Criminal Justice Services in the case of sheriffs, and (iii) by the office of the Executive Secretary of the Virginia Supreme Court in the case of clerks of circuit court, state court-appointed attorneys, including attorneys appointed to serve

as receivers under § 54.1-3900.01 or 54.1-3936, or attorneys under Virginia Supreme Court or Virginia State Bar approved programs, by the Commissioner of the Department of Behavioral Health and Developmental Services for any individual serving as a guardian or limited guardian for any patient or resident of a state facility operated by such Department or by the executive director of a community services board or behavioral health authority for any individual serving as a guardian or limited guardian for a consumer of such board or authority, and by the Division. Upon such approval, the Division shall assume sole responsibility for plan management, compliance, or removal. The Virginia Supreme Court shall pay the cost for coverage of eligible persons performing services in approved programs of the Virginia Supreme Court or the Virginia State Bar. The Department of Behavioral Health and Developmental Services shall be responsible for paying the cost of coverage for eligible persons performing services as a guardian or limited guardian for any patient or resident of a state facility operated by the Department. The applicable community services board or behavioral health authority shall be responsible for paying the cost of coverage for eligible persons performing services as a guardian or limited guardian for consumers of such board or authority.

C. The Division shall provide for the legal defense of participating entities and shall reserve the right to settle or defend claims presented under the plan. All prejudgment settlements shall be approved in advance by the Division.

D. The risk management plan established pursuant to this section shall provide for the establishment of a trust fund for the payment of claims covered under such plan. The funds shall be invested in the manner provided in § 2.2-1806 and interest shall be added to the fund as earned.

The trust fund shall also provide for payment of legal defense costs, actuarial costs, administrative costs, contractual costs and all other expenses related to the administration of such plan.

E. The Division shall, in its sole discretion, set the premium and administrative cost to be paid to it for providing a risk management plan established pursuant to this section. The premiums and administrative costs set by the Division shall be payable in the amounts at the time and in the manner that the Division in its sole discretion shall require. The premiums and administrative costs need not be uniform among participants, but shall be set so as to best ensure the financial stability of the plan.

F. Notwithstanding any provision to the contrary, a sheriff's department of any city or county, or a regional jail shall not be precluded from securing excess liability insurance coverage beyond the coverage provided by the Division pursuant to this section.

§ 2.2-1840. Blanket surety bond plan for state and local employees.

A. Subject to the approval of the Governor, the Division shall establish a program of blanket surety bonding to provide surety for the faithful performance of duty for all state employees required by statute to be bonded, and for other agency employees handling funds or having access to funds whose function, in the opinion of the agency head and the Division, should be bonded.

B. Local employees, including superintendents and jail officers of regional jail facilities as described in § 53.1-110, local constitutional officers, and those employees of the Supreme Court for whom the Commonwealth pays all or part of the costs of surety bonds shall be required to participate in the blanket surety bond program adopted by the Division through the Comptroller and the Compensation Board. The Division shall exclude clerks of the circuit court with respect to the moneys they hold pursuant to § 8.01-582 insofar as coverage is provided under § 2.2-1841 for their faithful performance concerning those moneys. Before implementing the program, the Division shall determine that the program will be of less cost to the Commonwealth than the aggregate of individual bonds costs.

C. The blanket surety bonding plan for state employees shall be submitted to the Governor for approval prior to implementation.

D. Employees or officers of a public service authority created under the Virginia Water and Sewer Authorities Act (§ 15.2-5100 et seq.) may participate in the blanket surety bond program adopted by the Division through the Comptroller and the Compensation Board whenever any federal or state agency lends or guarantees funds to a public service authority created under the Virginia Water and Sewer Authorities Act where the funds are utilized in the construction or capitalization of projects authorized under the Act, and there is a condition of the loan or guarantee that those employees or officers of the authority who have access to the funds be bonded. Participation by such employees or officers shall be approved by the governing body of the county or city that created the authority or is a member of the authority, with approval of the Division.

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted

428 for review and comment to any board, commission, or committee or other body which may be
429 established by the General Assembly to regulate the privacy, confidentiality, and security of information
430 collected and maintained by the Commonwealth or any political subdivision thereof;

431 2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement
432 officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time
433 required for completion of such training;

434 3. Establish minimum training standards and qualifications for certification and recertification for
435 law-enforcement officers serving as field training officers;

436 4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and
437 programs for schools, whether located in or outside the Commonwealth, which are operated for the
438 specific purpose of training law-enforcement officers;

439 5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize
440 radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in
441 § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum
442 qualifications for certification and recertification of instructors who provide such training;

443 6. Establish compulsory training courses for law-enforcement officers in laws and procedures relating
444 to entrapment, search and seizure, evidence, and techniques of report writing, which training shall be
445 completed by law-enforcement officers who have not completed the compulsory training standards set
446 out in subdivision 2, prior to assignment of any such officers to undercover investigation work. Failure
447 to complete the training shall not, for that reason, constitute grounds to exclude otherwise properly
448 admissible testimony or other evidence from such officer resulting from any undercover investigation;

449 7. Establish compulsory minimum entry-level, in-service and advanced training standards for those
450 persons designated to provide courthouse and courtroom security pursuant to the provisions of
451 § 53.1-120, and to establish the time required for completion of such training;

452 8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy
453 sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time
454 required for the completion of such training;

455 9. Establish compulsory minimum entry-level, in-service, and advanced training standards for persons
456 employed as deputy sheriffs and jail officers by local criminal justice agencies and for correctional
457 officers employed by the Department of Corrections under the provisions of Title 53.1, and establish the
458 time required for completion of such training;

459 10. Establish compulsory minimum training standards for all dispatchers employed by or in any local
460 or state government agency, whose duties include the dispatching of law-enforcement personnel. Such
461 training standards shall apply only to dispatchers hired on or after July 1, 1988;

462 11. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state
463 and federal governmental agencies, and with universities, colleges, community colleges, and other
464 institutions, whether located in or outside the Commonwealth, concerning the development of police
465 training schools and programs or courses of instruction;

466 12. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth,
467 for school operation for the specific purpose of training law-enforcement officers; but this shall not
468 prevent the holding of any such school whether approved or not;

469 13. Establish and maintain police training programs through such agencies and institutions as the
470 Board deems appropriate;

471 14. Establish compulsory minimum qualifications of certification and recertification for instructors in
472 criminal justice training schools approved by the Department;

473 15. Conduct and stimulate research by public and private agencies which shall be designed to
474 improve police administration and law enforcement;

475 16. Make recommendations concerning any matter within its purview pursuant to this chapter;

476 17. Coordinate its activities with those of any interstate system for the exchange of criminal history
477 record information, nominate one or more of its members to serve upon the council or committee of any
478 such system, and participate when and as deemed appropriate in any such system's activities and
479 programs;

480 18. Conduct inquiries and investigations it deems appropriate to carry out its functions under this
481 chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to
482 submit information, reports, and statistical data with respect to its policy and operation of information
483 systems or with respect to its collection, storage, dissemination, and usage of criminal history record
484 information and correctional status information, and such criminal justice agencies shall submit such
485 information, reports, and data as are reasonably required;

486 19. Conduct audits as required by § 9.1-131;

487 20. Conduct a continuing study and review of questions of individual privacy and confidentiality of
488 criminal history record information and correctional status information;

489 21. Advise criminal justice agencies and initiate educational programs for such agencies with respect

to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

22. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

23. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

24. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

25. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

26. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

27. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

28. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

29. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

30. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

31. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

32. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

33. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

34. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

35. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

36. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall

551 provide technical support and assistance to law-enforcement agencies in carrying out the requirements
552 set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation
553 of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

554 37. Establish training standards and publish a model policy for law-enforcement personnel in
555 communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

556 38. Establish compulsory training standards for basic training and the recertification of
557 law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for
558 biased policing;

559 39. Review and evaluate community-policing programs in the Commonwealth, and recommend where
560 necessary statewide operating procedures, guidelines, and standards which strengthen and improve such
561 programs, including sensitivity to and awareness of cultural diversity and the potential for biased
562 policing;

563 40. Publish and disseminate a model policy or guideline that may be used by state and local agencies
564 to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the
565 potential for biased policing;

566 41. [Expired.]

567 42. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with
568 Virginia law-enforcement agencies, provide technical assistance and administrative support, including
569 staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center
570 may provide accreditation assistance and training, resource material, and research into methods and
571 procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia
572 accreditation status;

573 43. Promote community policing philosophy and practice throughout the Commonwealth by
574 providing community policing training and technical assistance statewide to all law-enforcement
575 agencies, community groups, public and private organizations and citizens; developing and distributing
576 innovative policing curricula and training tools on general community policing philosophy and practice
577 and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia
578 organizations with specific community policing needs; facilitating continued development and
579 implementation of community policing programs statewide through discussion forums for community
580 policing leaders, development of law-enforcement instructors; promoting a statewide community policing
581 initiative; and serving as a statewide information source on the subject of community policing including,
582 but not limited to periodic newsletters, a website and an accessible lending library;

583 44. Establish, in consultation with the Department of Education and the Virginia State Crime
584 Commission, compulsory minimum standards for employment and job-entry and in-service training
585 curricula and certification requirements for school security officers, which training and certification shall
586 be administered by the Virginia Center for School Safety pursuant to § 9.1-184. Such training standards
587 shall include, but shall not be limited to, the role and responsibility of school security officers, relevant
588 state and federal laws, school and personal liability issues, security awareness in the school environment,
589 mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics.
590 The Department shall establish an advisory committee consisting of local school board representatives,
591 principals, superintendents, and school security personnel to assist in the development of these standards
592 and certification requirements;

593 45. Establish training standards and publish a model policy and protocols for local and regional
594 sexual assault response teams;

595 46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with
596 Article 11 (§ 9.1-185 et seq.);

597 47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

598 48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal
599 justice agencies regarding the investigation, registration, and dissemination of information requirements
600 as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

601 49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula,
602 and (iii) certification requirements for campus security officers. Such training standards shall include, but
603 not be limited to, the role and responsibility of campus security officers, relevant state and federal laws,
604 school and personal liability issues, security awareness in the campus environment, and disaster and
605 emergency response. The Department shall provide technical support and assistance to campus police
606 departments and campus security departments on the establishment and implementation of policies and
607 procedures, including but not limited to: the management of such departments, investigatory procedures,
608 judicial referrals, the establishment and management of databases for campus safety and security
609 information sharing, and development of uniform record keeping for disciplinary records and statistics,
610 such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an
611 advisory committee consisting of college administrators, college police chiefs, college security
612 department chiefs, and local law-enforcement officials to assist in the development of the standards and

certification requirements and training pursuant to this subdivision;

50. Establish compulsory training standards and publish a model policy for law-enforcement personnel regarding death notification;

51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

52. Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Alcoholic Beverage Control Board;

53. Establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

54. Establish training standards and publish a model policy for law-enforcement personnel involved in criminal investigations that embody current best practices for conducting photographic and live lineups;

55. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia; and

56. *Determine a budget for the participation of the Commonwealth towards operations for sheriffs pursuant to Article 3.1 (§ 9.1-137.1 et seq.);*

57. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 9.1-115. Forfeiture of office for failing to meet training standards; termination of salary and benefits; extension of term.

A. Every person required to comply with the training standards adopted by the Board, excluding private security services business personnel, who fails to comply with the standards within the time limits established by the regulations adopted by the Board shall forfeit his office, upon receipt of notice, as provided in subsection B. Such forfeiture shall create a vacancy in the office and all pay and allowances shall cease.

B. Notice shall be by certified mail, in a form approved by the Board, to the officer failing to comply and the chief administrative officer of the agency employing the officer. ~~Notice shall be mailed to the State Compensation Board, if approval of that Board of the necessity of his office or compensation is required by law.~~

C. If the necessity for the officer or compensation of the officer is required by law to be approved by the ~~State Compensation Board~~ Director, ~~that Board,~~ he shall upon receipt of notice as provided in subsection B, shall, notify the Comptroller, who shall cause payment of his compensation to cease as of the date of receipt of the notice by the ~~State Compensation Board~~ notice Director.

D. It shall be the duty of the chief administrative officer of any agency employing a person who fails to meet the training standards to enforce the provisions of § 9.1-114 and this section. Willful failure to do so shall constitute misfeasance in office, and, in addition, upon conviction, shall constitute a Class 3 misdemeanor.

Article 3.1. Sheriffs.

§ 9.1-137.1. Filing requests for salaries.

A. Every sheriff, in addition to all such officers serving two or more local governments who were elected pursuant to § 15.2-1602, shall file with the Director, upon forms prescribed by him, a written request for the expense of his office, stating the amount of salaries requested, and itemizing each item of expense for which allowance is sought, and every such officer shall concurrently file a copy of the request with the governing body of the county or city. Such requests shall be filed on or before February 1 preceding the beginning of the fiscal year for which such requests are made.

B. The Director may, at any time, submit to any officer a written questionnaire concerning the affairs of his office, to ascertain all facts relevant to the determination of the proper allowance to be made with respect to the officer's salaries and the expenses of his office. Every officer shall answer fully and completely all questions so propounded and shall return the questionnaire to the Director within five days.

C. The provisions of this section shall not affect the powers of any county operating under an optional form of organization and government as provided by Chapter 3 (§ 15.2-300 et seq.) of Title 15.2 to determine the budgets of the aforementioned officers.

§ 9.1-137.2. Duties of Director in fixing salaries, expenses, etc.

A. All salaries of such officers shall be as hereinafter provided. The expenses and other allowances of all such officers shall be fixed and determined on or before May 1 of each year. The Director shall,

674 no later than the 15th day following final adjournment of the General Assembly of Virginia in each
675 session, provide to such officers and the local governing body of each city and county he represents, an
676 estimate of expenses and other allowances to be fixed by the Director for the next fiscal year. The
677 Director shall consider the questionnaires and written requests filed as required by § 9.1-137.1 and
678 consider the work involved in the discharge of the duties of the respective officers, the extent to which
679 such duties are imposed by actions of the local governing body, the amount expended or proposed to be
680 expended by each for clerks, deputies, and other assistants, the efficiency with which the affairs of each
681 such office are conducted, and such other matters as the Director may deem pertinent and material,
682 including the number of local governments served if more than one, the pay and compensation plan of
683 each political subdivision, if it has one, and the locality's plans for adjustments of salaries and expenses
684 for the ensuing fiscal year, as well as the plan of the Commonwealth for adjustment of state salaries
685 and expenses for such year.

686 B. The Director shall fix and determine what constitutes a fair and reasonable budget for the
687 participation of the Commonwealth toward the total cost of the office.

688 C. When the salaries, expenses, and other allowances for the several counties and cities have been
689 tentatively fixed by the Director, he shall notify the governing body of each city and county of the
690 amounts so fixed. Within 30 days thereafter, but not later, the governing body may file with the Director
691 any objection it may have to such allowances so fixed. When such objection is filed the Director shall
692 fix a time for a hearing on such objection, of which time the governing body as well as the officer
693 affected shall have at least 15 days' notice.

694 D. The Director shall record the salary of each such officer, his assistants and deputies, and the
695 allowances made for other items, and shall promptly notify each such officer of the same with respect to
696 his office.

697 E. In fixing, determining, and recording the salaries of the full-time deputy sheriffs mentioned in
698 § 15.2-1609.2, the Director shall act solely with reference to establishing an aggregate allowance for
699 personal services to the respective sheriffs for such deputy sheriffs. The annual salary of each such
700 full-time deputy sheriff shall be fixed and determined as provided by § 15.2-1609.2.

701 § 9.1-137.3. Statement of receipts and expenses of officers.

702 The Director shall as soon as practicable annually furnish the board of supervisors or other
703 governing body of each county and city with the statement showing receipts and expenses of office and
704 of officers making report under this article.

705 § 9.1-137.4. Appeal from decision of Director.

706 A. Any officer whose budget is affected by a decision of the Director under this article made for the
707 fiscal year pursuant to and at the time designated by §§ 9.1-137.1 and 9.1-137.2 and no other, or any
708 county or city affected thereby, or the Attorney General as representative of the Commonwealth, shall
709 have the right to appeal from any such decision of the Director, within 45 days from the date of such
710 decision. Such appeal shall lie to the circuit court of the county or city wherein the officer making the
711 appeal resides. The court shall be presided over by three judges of circuit courts remote from that to
712 which the appeal is taken. The three judges shall be chosen by the Chief Justice of the Supreme Court
713 from a panel of 15 active or retired judges selected to hear such matters by the Supreme Court. Such
714 judges shall remain on the panel for a period of time determined by the Chief Justice of the Supreme
715 Court. No judge may be appointed to hear an appeal involving a jurisdiction in his current or former
716 circuit. Notice of such appeal shall be given within the time above specified by any such officer to the
717 Director, the county or city affected, and the Attorney General. The officer appealing shall, in the
718 appeal, state with specificity what action of the Director the officer is contesting, the additional services
719 provided to the locality not required by law, and the cost of providing such service. The Director shall
720 notify the Chief Justice forthwith when all administrative remedies have been exhausted by the appellant
721 and the three-judge court shall be designated upon receipt of the notice by the Chief Justice. The appeal
722 shall be heard within 45 days from the date such notice is filed by the Director with the Chief Justice.
723 At least 15 days' notice of the time and place set for the hearing shall be given the officer noting such
724 appeal, the county or city affected, the Director, and the Attorney General. On such appeal all questions
725 involved in said decision shall be heard de novo by the court and its decision on all questions shall be
726 certified by the clerk thereof to the officer affected, to the locality, and to the Director.

727 B. In making its decision, the court shall give consideration to the amount of funds budgeted and
728 expended by the local government for the constitutional officer that exceeds the amount reimbursed by
729 the Director, the extent to which the officer provides additional services to the locality not required by
730 law and to what extent, if any, the local government should participate in providing the additional
731 funding requested by the constitutional officer. The court shall also give consideration both to the
732 officer's ability to perform his statutory duties without additional funding and the ability of the Director
733 and local government to provide additional funding for the officer's functions. The court shall also
734 consider maximum staffing and funding levels set in the general appropriation act and any other
735 statutory provisions that would otherwise prohibit the Director from granting the officer's request. The

burden of proving the necessity of additional funding shall be borne by the officer.

C. After due consideration of Director and local government statutory authority and the constitutional officer's demonstrated need for additional funding, the court shall determine the extent to which the Director and local government shall share in the additional funding.

D. Should the court determine that additional funding is necessary for the officer to perform his duties, and that it is the responsibility of the Director to provide all or part of the additional funds, and that the Director does not have the ability to provide such additional funding, the Director shall request the necessary additional funding from the General Assembly at its next occurring regular session.

E. Should the court determine that additional funding is necessary for the officer to perform his duties and that it is the responsibility of the local government to provide all or part of the additional funds, and that the local government does not have the ability to provide such additional funding, the chief administrative officer of the local government shall include such request in the budget submission to the local governing body.

F. From the decision of the court there shall be no right of further appeal. The decision of the court shall be within the difference between the amounts originally requested by the appealing officer pursuant to § 9.1-137.1 and the amounts fixed by the Director for such fiscal year; however, when the appeal is filed by a county or city, such decision shall be within the difference between the prior salaries, expenses, and other allowances of such officer and the amounts fixed by the Director for such fiscal year. In the event an appeal is filed by both the officer affected and the county or city affected, such decision shall be within the difference between the amounts originally requested by the appealing officer pursuant to § 9.1-137.1 and the prior salaries, expenses, and other allowances of such officer.

G. In pursuing the provisions of this section, constitutional officers may use funds designated by the Director or appropriated by their local governing body to employ independent counsel, provided that funds have been specifically appropriated for such purpose.

§ 9.1-137.5. Determination of population.

For the purpose of fixing salaries specified in §§ 15.2-1609.2 and 15.2-1627.1, the population of each county and city shall be according to the most recent United States census. If the area of any city has, since the most recent United States census, been increased by annexation, the population of such city, for such purposes, shall be the population thereof as shown by the last preceding United States census, plus the increase resulting from such annexation. Whenever it appears to the satisfaction of the Director that the population of any county or city has, since the last preceding United States census, increased so as to entitle such county or city to be placed in a higher salary bracket, such county or city shall be considered within such higher salary brackets.

§ 9.1-137.6. Increase in salaries in certain cases.

Any officer whose salary in the year ending June 30, 1980, included an increase under deleted provisions of former § 14.1-62 shall receive the same amount of such increase for the terms in which he continues in office.

§ 9.1-137.7. Time and manner of payment.

A. The salaries fixed in accordance with this article shall be paid in equal monthly installments. The expenses and other allowances of office within the limits fixed by the Director shall be paid monthly on the submission of satisfactory evidence that such expenses and other allowances were actually incurred. All counties and cities shall pay the entire amount of such salaries, expenses, and other allowances and, upon notification to the Director, the Commonwealth shall reimburse all such counties and cities for the Commonwealth's proportionate share of such salaries, compensation, benefits under § 51.1-137, and other expense allowances.

B. In the event a county or city shall fail to make timely payment of the salaries, expenses, or other allowances fixed in accordance with the provisions of law applicable thereto, the Director shall withhold all reimbursements for the office or offices affected thereby until such salaries, expenses, or other allowances have been paid, unless such county or city has appealed pursuant to § 9.1-164.3 or 9.1-164.4.

C. The Director may provide advance payments on a monthly pro rata basis to any county or city and adjust subsequent monthly advances based on actual expenditures incurred in the preceding month. Should the Director elect to make such advance payments to any locality, then he shall make such advance payments to all localities that request the same.

§ 9.1-137.8. Proportion borne by Commonwealth and by localities.

The salaries, expenses, and other allowances of attorneys for the Commonwealth in counties and cities as fixed and determined by the Director shall be paid by the Commonwealth after July 1, 1980.

The provisions of this section, as amended, shall not affect any county operating under an optional form of organization and government as provided by Chapter 3 (§ 15.2-300 et seq.) of Title 15.2.

§ 9.1-137.9. Appropriations chargeable with Commonwealth's proportion of salaries, etc.

A. The Commonwealth's proportionate share of the salaries, expenses, and other allowances of the

797 *attorneys for the Commonwealth and sheriffs shall be paid out of the appropriations made for those*
798 *purposes in the general appropriation act.*

799 *B. The budgets fixed by the Director may thereafter be amended by the Director upon the request of*
800 *the officer or local governing body or when changed circumstances so require. No budget shall be*
801 *increased if any portion of the increase is payable from local funds without the concurrence of the local*
802 *governing body.*

803 *C. All provisions of charters of cities and towns inconsistent with the provisions of this article are*
804 *hereby repealed to the extent of such inconsistency.*

805 *§ 9.1-137.10. Adjustment of questions of division of compensation, expenses, etc.*

806 *The Director may adjust equitably all questions of the division of compensation, allowances for*
807 *deputies and assistants, office expenses, and premiums on bonds that may arise due to the change of*
808 *incumbents in any such offices or from any other cause. All adjustments shall be made as nearly as*
809 *possible in accordance with the intent of this Article.*

810 *§ 9.1-165. Definitions.*

811 *As used in this article, unless the context requires a different meaning:*

812 *"Adjusted crime index" means the potential crime rate for a locality multiplied by the base year*
813 *population of the locality as estimated by the Center for Public Service.*

814 *"Average crime rate" for a city or eligible county means the annual average number of violent and*
815 *property index crimes per 100,000 persons, as reported by the Superintendent of State Police, for the*
816 *base year and the fiscal year immediately preceding, and the fiscal year immediately following, the base*
817 *year. If the data are not available for the fiscal year immediately following the base year, the average*
818 *shall be based on the base year and the two immediately preceding fiscal years.*

819 *"Base year" means the most recent fiscal year for which comparable data are available for: (i)*
820 *population estimates by the Center for Public Service or the United States Bureau of the Census,*
821 *adjusted for annexation as determined by the Department, (ii) actual state expenditures for salaries and*
822 *expenses of sheriffs as reported by the Compensation Board Director, (iii) number of persons eligible*
823 *for Temporary Assistance to Needy Families as defined in § 63.2-100, (iv) number of persons in foster*
824 *care, as defined in § 63.2-100, and (v) the number of persons receiving maintenance payments in a*
825 *general relief program as defined in § 63.2-100.*

826 *"Distribution formula" means that linear equation derived biennially by the Department, using*
827 *standard statistical procedures, which best predicts average crime rates in all cities and eligible counties*
828 *in the Commonwealth on the basis of the following factors in their simplest form:*

829 *1. The total base year number of (i) persons enrolled in Temporary Assistance to Needy Families, (ii)*
830 *persons in foster care, and (iii) persons receiving maintenance payments in a general relief program, per*
831 *100,000 base year population; and*

832 *2. The local population density, based on the base year population estimates of the Center for Public*
833 *Service, adjusted for annexation as determined by the Department, and the land area in square miles of*
834 *the city or eligible county as reported by the United States Census Bureau, adjusted for annexation as*
835 *determined by the Department.*

836 *"Eligible county" means any county which operates a police department.*

837 *"Police department" means that organization established by ordinance by a local governing body that*
838 *is responsible for the prevention and detection of crime, the apprehension of criminals, the safeguard of*
839 *life and property, the preservation of peace and the enforcement of state and local laws, regulations, and*
840 *ordinances. Such department shall have a chief of police, which in the case of counties may be the*
841 *sheriff, and such officers, privates, and other personnel as may be provided for in the ordinance, one*
842 *sworn member of which shall be a full-time employee. All law-enforcement officers serving as members*
843 *of such police department, whether full-time or part-time, and whether permanently or temporarily*
844 *employed, shall meet the minimum training standards established pursuant to §§ 9.1-102 and 9.1-114,*
845 *unless such personnel are exempt from the minimum training standards as provided in §§ 9.1-113 and*
846 *9.1-116. Any police department established subsequent to July 1, 1981, shall also have, at a minimum,*
847 *one officer on duty at all times for the purposes set forth above.*

848 *However, notwithstanding any contrary provision of this definition,*

849 *1. Any locality receiving funds under this article during the 1980-82 biennium shall be considered to*
850 *have a valid police department eligible for funds as long as such police department continues in*
851 *operation;*

852 *2. Any town receiving funds under this article during the 1986-1988 biennium shall be considered to*
853 *have a valid police department eligible for funds even though police services for such town may*
854 *thereafter be provided by the sheriff of the county in which the town is located by agreement made*
855 *pursuant to § 15.2-1726. Eligibility for funds under this subdivision shall last as long as such agreement*
856 *remains in effect. Police services for the town furnished by the sheriff shall be equal to or greater than*
857 *the police services last furnished by the town's police department.*

858 *"Population served by police departments" means the total base year population of the*

Commonwealth less the population served by sheriffs only.

"Population served by sheriffs only" means the total base year population of those counties without a police department, less the latest available estimate from the United States Bureau of the Census of the total population of towns, or portions of towns, having police departments, located in such counties.

"Potential crime rate" means the number of crimes per 100,000 persons in the base year population for each city or eligible county, as derived from the distribution formula.

"State aid to localities with police" means that amount which bears the same relationship to the population served by police departments as state aid to sheriff-only localities bears to the population served by sheriffs only.

"State aid to sheriff-only localities" means the estimated total amount for salaries and expenses to be paid by the Commonwealth, pursuant to Article 3 (§ 15.2-1609 et seq.) of Chapter 16 of Title 15.2, to sheriffs' offices in those counties without a police department, based on the actual percentage of total state expenditures in the base year distributed to those counties without police departments.

§ 9.1-921. Exemption of information systems from provisions related to the Virginia Information Technologies Agency.

The provisions of Chapter 20.1 (§ 2.2-2005 et seq.) of Title 2.2 shall not apply to the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, operated by the Department of State Police or to information technology as defined in § 2.2-2006 operated by the Department of Juvenile Justice, or the Department of Corrections or the Virginia Compensation Board that interact, furnish, update, contain or exchange information with the Sex Offender and Crimes Against Minors Registry.

§ 9.1-922. Use of Registry data by Statewide Automated Victim Notification (SAVIN) system; confidentiality.

Upon request of the ~~Compensation Board~~ Director, the Department of State Police shall provide the Statewide Automated Victim Notification (SAVIN) system with Registry data in an electronic format. The ~~Board or its Director or his~~ contractor may use the data for verification of registrant status and notification of victims and law enforcement regarding changes in status of persons on the Registry and shall ensure the confidentiality and security of the data.

§ 15.2-540. Officers and employees to receive regular compensation; fee system abolished; collection and disposition of fees.

All county officers and employees shall be paid regular compensation and the fee system as a method of compensation in the county shall be abolished, except for those officers not affected by the adoption of this form of county organization and government. All such officers and employees shall, however, continue to collect all fees and charges provided for by general law, shall keep a record thereof, and shall promptly transmit all such fees and charges collected to the director of finance, who shall promptly provide receipt therefor. Such officers shall also keep such other records as are required by § 17.1-283. All fees and commissions, which, but for this section, would be paid to such officers by the Commonwealth for services rendered shall be paid into the county treasury.

Any excess of the fees collected by each of the officers mentioned in § 17.1-283 or collected by anyone exercising the powers of and performing the duties of any such officer, over (i) the allowance to which such officer would be entitled by general law but for the provisions of this section and (ii) expenses in such amount as allowed by the ~~Compensation Board~~ Executive Secretary of the Supreme Court, shall be paid one third into the state treasury and two thirds to the county.

Any county officer or employee who fails or refuses to collect any fee which is collectible and should be collected under the provisions of this section, or who fails or refuses to pay any fee so collected to the county as herein provided, shall upon conviction be deemed guilty of a misdemeanor.

§ 15.2-639. Compensation; fee system abolished.

All county officers and employees shall be paid regular compensation. The fee system as a method of compensation in the county shall be abolished, except for officers not affected by the adoption of this form of county organization and government. All such officers and employees shall, however, continue to collect all fees and charges provided for by general law, shall keep a record thereof, and shall promptly transmit all such fees and charges collected to the director of finance, who shall promptly receipt therefor. Such officers shall also keep such other records as are required by § 17.1-283. All fees and commissions which, but for the provisions of this section, would be paid to such officers by the Commonwealth for services rendered shall be paid to the county treasury.

The excess, if any, of the fees collected by each of the officers mentioned in § 17.1-283 or collected by anyone exercising the powers of and performing the duties of any such officer, over (i) the allowance to which such officer would be entitled by general law but for the provisions of this section and (ii) expenses in such amount as allowed by the ~~Compensation Board~~ Executive Secretary of the Supreme Court, shall be paid, one third into the state treasury and the other two thirds to the county.

Any county officer or employee who fails or refuses to collect any fee which is collectible and

920 should be collected under the provisions of this section, or who fails or refuses to pay any fee so
921 collected to the county as herein provided, shall upon conviction be deemed guilty of a misdemeanor.

922 § 15.2-848. Compensation of officers and employees; fee system abolished.

923 All county officers and employees shall be paid regular compensation and the fee system as a
924 method of compensation in the county shall be abolished, except as to those officers not affected by the
925 adoption of this form of county organization and government. All such officers and employees shall,
926 however, continue to collect all fees and charges provided for by general law, shall keep a record
927 thereof, and shall promptly transmit all such fees and charges collected to the director of finance, who
928 shall promptly receipt therefor. Such officers shall also keep such other records as are required by
929 § 17.1-283. All fees and commissions, which but for this section would be paid to such officers by the
930 Commonwealth for services rendered, shall be paid into the county treasury.

931 The excess, if any, of the fees collected by each of the officers mentioned in § 17.1-283 or collected
932 by anyone exercising the powers of and performing the duties of any such officers, over (i) the
933 allowance to which such officers would be entitled by general law but for the provisions of this section
934 and (ii) expenses in such amount as allowed by the ~~Compensation Board~~ *Executive Secretary of the*
935 *Supreme Court* shall be paid, one third into the state treasury and two thirds to the county.

936 Any county officer or employee who fails or refuses to collect any fee which is collectible and
937 should be collected under the provisions of this section, or who fails or refuses to pay any fee so
938 collected to the county as herein provided, shall upon conviction be deemed guilty of a misdemeanor.

939 § 15.2-1508.2. Same; where Commonwealth bears portion of expenses.

940 Any person traveling on business of any locality wherein the Commonwealth is required to bear a
941 portion of the expenses may be reimbursed by any such locality on a basis not in excess of that
942 provided in § 2.2-2823 ~~but the portion to be borne by the Commonwealth shall be subject to the~~
943 ~~approval of the State Compensation Board.~~

944 § 15.2-1534. Certain officers not to hold more than one office.

945 A. Pursuant to Article VII, Section 6 of the Constitution of Virginia, no person holding the office of
946 treasurer, sheriff, attorney for the Commonwealth, clerk of the circuit court, commissioner of the
947 revenue, supervisor, councilman, mayor, board chairman, or other member of the governing body of any
948 locality shall hold more than one such office at the same time.

949 B. Subsection A shall not be construed to prohibit:

950 1. A commissioner of the revenue of a county from serving as appointed commissioner of the
951 revenue of a town located in the county;

952 2. A treasurer of a county from serving as appointed treasurer of a town located in the county;

953 3. A deputy sheriff of a county from serving as appointed town sergeant of a town located in the
954 county;

955 4. A person from serving simultaneously as an assistant attorney for the Commonwealth in the City
956 of Winchester and Frederick County;

957 5. A person from serving as attorney for the Commonwealth for Bland County and assistant attorney
958 for the Commonwealth of Wythe County;

959 6. The election of deputies of constitutional officers to school board membership, consistent with
960 federal law and regulation; or

961 7. A person from serving simultaneously as a part-time assistant attorney for the Commonwealth in
962 more than one locality with the consent of the respective attorneys for the Commonwealth and the
963 ~~Compensation Board~~ *State Comptroller* in accordance with procedures adopted by the ~~Compensation~~
964 ~~Board~~ *State Comptroller*.

965 § 15.2-1603. Appointment of deputies; their powers; how removed.

966 The treasurer, the sheriff, the commissioner of the revenue, and the clerk of any circuit court may at
967 the time he qualifies as provided in § 15.2-1522 or thereafter appoint one or more deputies, who may
968 discharge any of the official duties of their principal during his continuance in office, unless it is some
969 duty the performance of which by a deputy is expressly forbidden by law. The sheriff making an
970 appointment of a deputy under the provisions of this section may review the record of the deputy as
971 furnished by the Federal Bureau of Investigation prior to certification to the appropriate court as
972 provided hereunder.

973 The sheriff may appoint as deputies medical and rehabilitation employees as are authorized by the
974 ~~State Compensation Board~~ *Director of the Department of Criminal Justice Services*. Deputies appointed
975 pursuant to this paragraph shall not be considered by the State Compensation Board in fixing the
976 number of full-time or part-time deputies which may be appointed by the sheriff pursuant to
977 § 15.2-1609.1.

978 The officer making any such appointment shall certify the appointment to the court in the clerk's
979 office of which the oath of the principal of such deputy is filed, and a record thereof shall be entered in
980 the order book of such court. Any such deputy at the time his principal qualifies as provided in
981 § 15.2-1522 or thereafter, and before entering upon the duties of his office, shall take and prescribe the

oath now provided for in § 49-1. The oath shall be filed with the clerk of the court in whose office the oath of his principal is filed, and such clerk shall properly label and file all such oaths in his office for preservation. Any such deputy may be removed from office by his principal. The deputy may also be removed by the court as provided by § 24.2-230.

§ 15.2-1605.2. Salary increases for constitutional officers.

In every locality of this Commonwealth, whenever the ~~Compensation Board~~ *Comptroller, Director of the Department of Criminal Justice Services, or Executive Secretary of the Supreme Court, respectively*, shall provide salary increases, including but not limited to cost-of-living increases, whether specifically for constitutional officers and their assistants or deputies or for the general compensation to be paid in the aggregate to a constitutional officer, pursuant to any statutory or other authority, no locality shall use such reimbursement for any purpose other than salary during the fiscal year. A locality shall distribute such salary in appropriate proportions to its constitutional officers and their assistants or deputies.

As used in this section, "constitutional officer" means the treasurer, sheriff, attorney for the Commonwealth, clerk of circuit court, or commissioner of revenue of any locality.

§ 15.2-1606. Defense of constitutional officers; appointment of counsel.

In the event that any treasurer, sheriff, attorney for the Commonwealth, clerk of the circuit court or commissioner of the revenue, or any deputy or assistant of any of such officers, is made defendant in any civil action arising out of the performance of his official duties and does not have legal defense provided under the insurance coverage of his office, such officer, or deputy or assistant thereto, may make application to the circuit court for the county or city in which he serves to assign counsel for his defense in such action. The court may, upon good cause shown, make such orders respecting the employment of an attorney or attorneys, including the attorney for the Commonwealth, as may be appropriate, and fix his compensation. Reimbursement of any expenses incurred in the defense of such charge may also be allowed by the court. Such legal fees and expenses shall be paid from the treasury of the county or city, and reimbursement shall be made ~~from the Compensation Board in the proportions set out in § 15.2-1636.14~~ *in the following manner: (i) for treasurers, commissioners of revenue, and attorneys for the Commonwealth, from the Comptroller as set out in § 2.2-828; (ii) for sheriffs, from the Director of the Department of Criminal Justice Services as set out in § 9.1-137.8; and (iii) for clerks of court, from the Executive Secretary of the Supreme Court.*

§ 15.2-1608.1. Salaries of city treasurers.

The annual salaries of city treasurers or any officers, whether elected or appointed, who hold the combined office of city treasurer and commissioner of the revenue, shall be as prescribed in the general appropriation act, except as otherwise prescribed in ~~§ 15.2-1636.12~~ *§ 2.2-826*.

Notwithstanding the repeal of §§ 14-8.1, 14-68, 14-68.1, 14-68.2, 14-68.3 and 14-75, effective July 1, 1964, the prior authority of such sections is continued in effect as to any persons holding office on such date.

§ 15.2-1608.2. Salaries of county treasurers.

The annual salaries of county treasurers or any officers, whether elected or appointed, who hold the combined office of county treasurer and commissioner of the revenue subject to the provisions of ~~§ 15.2-1636.17~~ *§ 2.2-831*, shall be as prescribed in the general appropriation act, except as otherwise provided in ~~§ 15.2-1636.12~~ *§ 2.2-826*.

Notwithstanding the repeal of §§ 14-68.1, 14-69, 14-69.1, 14-69.2, 14-69.3 and 14-75, effective July 1, 1964, the prior authority of such sections is continued in effect as to any person holding office on such date.

§ 15.2-1609.1. Number of deputies.

Except as provided in § 15.2-1603, the respective number of full-time deputies appointed by the sheriff of a county or city shall be fixed by the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services* after receiving such recommendation of the board of supervisors of the county or the council of the city, as the case may be, as the board of supervisors or city council may desire to make. Such recommendation, if any, shall be made to the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services* on or before April 1 of each year. In any county without a police force or any city without a police force that was created by the consolidation of a city and a county subsequent to July 1, 2011, pursuant to the provisions of Chapter 35 (§ 15.2-3500 et seq.), upon the request of the board of supervisors of such county or the council of such city, the number of such law-enforcement deputies shall be fixed at not less than one such deputy for each 1,500 population in such county or city excluding the population served by state educational institution police departments if the sheriff's department does not provide the majority of the law-enforcement activities to such population according to uniform crime reports compiled by the Department of State Police. The ~~Compensation Board~~ *Director of the Department of Criminal Justice Services* shall also consider any agreement the sheriff may have pursuant to § 15.2-1726 and any obligation he may have pursuant to this section to provide law enforcement for towns or townships in fixing the number of deputies. The

governing body of any county or city may employ a greater number of law-enforcement deputies than fixed by the Compensation Board, provided that the county or city shall pay the total compensation and all employer costs for such additional deputies.

§ 15.2-1609.2. Sheriffs' salaries; salaries of certain full-time deputies; maximum limits.

A. The sheriffs of the counties and the cities of the Commonwealth and their full-time deputies shall be paid salaries for their services and allowances for the necessary expenses incurred in the performance of their duties, to be determined as hereinafter provided.

B. The annual salaries of the sheriffs of the counties and cities of the Commonwealth shall be as prescribed in the general appropriation act, except as otherwise provided in subsection C.

C. Any sheriff whose salary in the year ending June 30, 1980, included an increase under deleted provisions of former § 14.1-74 shall receive the same amount of such increase for the terms in which he continues in office.

D. The annual salary of each full-time deputy sheriff who is primarily a courtroom security officer, a correctional officer or a law-enforcement officer shall be determined by the sheriff in whose service he is employed and shall be reported to the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services* by the sheriff at the time he files his report for the allowance of the expenses of his office as provided in § ~~15.2-1636.7~~ *9.1-137.1* and at any time thereafter when the sheriff effects a change in the salary or employs a new such deputy sheriff. Such salaries as determined by the respective sheriff shall conform to the requirements set forth in subsection E and shall not in the aggregate exceed the aggregate allowance by the Compensation Board for personal services to the respective sheriffs for such deputy sheriffs.

However, notwithstanding any contrary provisions of this section and of § ~~15.2-1636.8~~ *9.1-137.2*, the salary of any full-time deputy sheriff who, in addition to having primary duties related to courtroom security, corrections or law enforcement, also supervises other deputy sheriffs, or who is designated an investigator by the sheriff in whose services he is employed, shall be fixed and determined by the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services*. Nothing in this section shall prohibit the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services* from setting salary levels of civil process officers in localities having a population of more than one hundred thousand at a level equal to salary levels of deputy sheriffs who are primarily courtroom security, correctional, or law-enforcement officers.

E. The salary range of any full-time deputy sheriff who is primarily a courtroom security officer, a correctional officer or a law-enforcement officer and, if employed on or after July 1, 1974, also has a high school education or the equivalent thereof, shall be no less than that of a correctional officer within the classification and pay system for state employees and shall be administered in accordance with regulations for that system administered by the Department of Human Resource Management. The Governor shall provide the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services* the salary range and regulations within that system as of July 1, 1980, and as of any subsequent date on which changes in the salary ranges and regulations may be adopted.

F. The salary of any deputy sheriff shall not exceed ~~ninety~~ 90 percent of the salary of the sheriff by whom he is employed.

§ 15.2-1609.5. Submission of statement of expenses.

Each sheriff shall submit a monthly statement of all traveling expenses incurred by him, and by each of his full-time deputies, to his county or city. The county or city shall pay the expenses to the person or vendor entitled thereto and submit same to the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services* for reimbursement if within the sheriff's annual budget approved by the Board. Payments due counties and cities under this section shall be paid to the county or city within ~~ninety~~ 90 days following the receipt by the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services* of a completed statement of monthly expenses.

§ 15.2-1609.6. Agreements regarding traveling expenses.

Notwithstanding the provisions of § 15.2-1609.5, the governing body of any county or city may, with the approval of the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services*, enter into such agreement with the sheriff of such county or city with respect to the traveling expenses, including the use of privately owned vehicles, of such sheriff and his deputies as the governing body may deem proper. With the consent of the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services*, in any county having a regular police force authorized by law and in which the jail of another county or city has been adopted as the jail of such county, the police officers, in place of the sheriff, who transport any persons charged with violation of a state law under order of the judge of the circuit court of such county to the jail so adopted, shall receive the same mileage as the sheriff would have received had he transported such persons. Any such police officer transporting any such person shall make claim for mileage on the same forms the sheriff uses for such claims and in the same manner. When any such mileage is collected by any police officer, he shall pay the same into the county treasury and the payment of such mileage shall be made in the manner provided for the payment

of mileage to sheriffs.

§ 15.2-1609.8. Payments to counties having certain optional forms of organization and government.

The ~~Compensation Board~~ *Director of the Department of Criminal Justice Services* shall, in the manner provided by law, determine the compensation and expense allowances for the sheriff, and his deputies, of each county which has adopted or hereafter adopts any form of county organization and government provided for in Chapter 5 (§ 15.2-500 et seq.), Chapter 6 (§ 15.2-600 et seq.) or Chapter 8 (§ 15.2-800 et seq.) of this title, so long as such county shall continue such form of county organization and government in effect in such county, as if such county had not adopted any such form of government, but the salaries and expense allowances shall be paid into the general fund of the treasury of such county. The actual compensation and expense allowance to be paid the sheriff, and his deputies, of any such county shall be fixed as provided in the form of county organization and government adopted by such county, without regard to the limits provided for in this article, and shall be paid by such county.

The provisions of this section shall also be applicable to any county which adopts and has in effect in such county any other optional form of county organization and government which may be provided by law, if such form of county organization and government shall provide that the entire compensation of the sheriff of such county shall be fixed by authorities of the county and paid by the county.

§ 15.2-1609.9. Compensation of part-time deputies.

The part-time deputies of sheriffs shall not receive fixed salaries, but shall be entitled to receive reasonable compensation for their services and allowances for their expenses, to be determined and paid as hereinafter provided. Each such part-time deputy shall keep a record of all services performed by him as such, which shall be reported to the sheriff whose deputy he is. The sheriff shall likewise keep a record of all services performed by each part-time deputy. Each sheriff shall file a monthly report with the board of supervisors or other governing body of the county or city council, as the case may be, on or before the fifth day of the month next succeeding that in which such services are performed, showing in detail all services and hours of service rendered by part-time deputies. The board of supervisors or other governing body or the city council shall recommend to the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services* what in its judgment is a fair compensation to pay each individual part-time deputy of a sheriff on the basis of such reports, except that the limit for compensation per hour of service shall not exceed the hourly equivalent of the minimum annual salary paid a full-time deputy sheriff who performs like services in the same county or city. In addition, mileage and other expenses for rendering the services shall be paid. If in the judgment of the governing body such limit would work a hardship on a particular part-time deputy sheriff, each sum may be increased with the written approval of the judge of the circuit court of the county or city for which such officer is appointed.

§ 15.2-1615.1. Manner of payment of certain items in budgets of sheriffs.

A. Whenever a sheriff purchases office furniture, office equipment, stationery, office supplies, telephone or telegraph service, postage, or repairs to office furniture and equipment in conformity and within the limits of allowances duly made and contained in the then current budget of any such sheriff under the provisions of this chapter, the invoices therefor, after examination as to their correctness, shall be paid by the county or city directly to the vendors, and the Commonwealth shall monthly reimburse the county or city the cost of such items on submission by such sheriff to the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services* of duplicate invoices and such other information or evidence as the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services* may deem necessary. This procedure shall also apply to the payment of the premiums on the official bonds of such sheriffs, their deputies and employees, to the premiums on burglary and other insurance, and for any physical examinations required pursuant to § 15.2-1705 for a sheriff and each of his full-time deputies at a rate specified by the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services*.

B. The Compensation Board may allow as an expense allowance to the sheriff of any county or city the cost of operation, maintenance and repair of a closed circuit television system and all accessories thereto or of leasing electronic security equipment or making repairs to the same, which system and equipment are installed in any jail under his control for the surveillance of prisoners.

§ 15.2-1626. Attorney for the Commonwealth.

The voters in every county and city shall elect an attorney for the Commonwealth unless otherwise provided by general law or special act. The attorney for the Commonwealth shall exercise all the powers conferred and perform all the duties imposed upon such officer by general law. He may perform such other duties, not inconsistent with his office, as the governing body may request. He shall be elected as provided by general law for a term of four years. Every county and city may, with the approval of the ~~Compensation Board~~ *State Comptroller*, provide for employing compensated assistants to the attorney for the Commonwealth as in the opinion of the ~~Compensation Board~~ *State Comptroller* may be required.

1166 Such assistant or assistants shall be appointed by the attorney for the Commonwealth for a term
1167 coterminous with his own. The compensation for such assistants to the attorneys for the Commonwealth
1168 shall be as provided for assistants to attorneys for the Commonwealth under § 15.2-1627.1.

1169 § 15.2-1627.1. Salaries of attorneys for the Commonwealth and assistants.

1170 A. The annual salaries of attorneys for the Commonwealth shall be as prescribed in the general
1171 appropriation act, except as otherwise provided in § ~~15.2-1636.12~~ 2.2-826.

1172 In cities and counties having a population of more than 35,000 inhabitants, the ~~Compensation Board~~
1173 *State Comptroller*, in determining the salary for the assistants to the attorney for the Commonwealth,
1174 shall consider the provisions of §§ 15.2-1628 and 15.2-1630 requiring that such attorneys serve on a
1175 full-time basis, and shall also consider the amount of the salaries paid to the assistants to the city or
1176 county attorney of such city or county.

1177 These same factors shall also be considered in determining the salary for assistants to the attorney for
1178 the Commonwealth in cities having a population of more than 17,000 inhabitants, and less than 35,000
1179 inhabitants when the council for such city and the ~~Compensation Board~~ *State Comptroller* shall concur
1180 that the attorney for the Commonwealth and all assistant attorneys for the Commonwealth shall devote
1181 full time to their duties, and shall not engage in the private practice of law.

1182 Any city served by a full-time attorney for the Commonwealth on January 1, 1993, under the
1183 provisions hereof shall continue to be served by a full-time attorney for the Commonwealth in the event
1184 the population of such city shall have fallen below the 17,000 population threshold in the most recent
1185 U.S. census and shall be administered in the same manner as cities with populations in excess of 17,000
1186 but of 35,000 or less. In such jurisdictions, the attorney for the Commonwealth and his assistant
1187 attorneys and their successors in office shall be subject to the requirements regarding full-time service
1188 and part-time private practice as in effect for such positions on January 1, 1993. No further action by
1189 the council of the city or the ~~Compensation Board~~ *State Comptroller* shall be necessary.

1190 B. Each assistant attorney for the Commonwealth authorized by law, if his services shall be deemed
1191 necessary by the ~~Compensation Board~~ *State Comptroller*, shall receive an annual salary which shall not
1192 exceed ~~ninety~~ 90 percent of the salary received by the attorney for the Commonwealth of his county or
1193 city. However, after January 1, 1980, in cities having a population of more than 35,000 inhabitants, the
1194 ~~Compensation Board~~ *State Comptroller* shall not provide any compensation for any assistant attorney for
1195 the Commonwealth when the attorney for the Commonwealth for any such city does not serve on a
1196 full-time basis or engages in the practice of law outside of his duties as attorney for the Commonwealth.

1197 § 15.2-1629. Part-time attorneys for the Commonwealth in certain counties may seek full-time status.

1198 A. Notwithstanding §§ 15.2-1627.1 and 15.2-1628, any attorney for the Commonwealth for a county
1199 may, with the consent of the ~~Compensation Board~~ *State Comptroller*, elect to devote full time to the
1200 duties of attorney for the Commonwealth at a salary equal to that for an attorney for the Commonwealth
1201 in a county with a population of more than 35,000. Such an election and consent by the ~~Compensation~~
1202 ~~Board~~ *State Comptroller* shall be binding on the attorney for the Commonwealth and on successors in
1203 the office.

1204 B. The ~~Compensation Board~~ *State Comptroller* shall prepare a list of localities eligible to have a
1205 full-time attorney for the Commonwealth and shall prioritize the list according to the same workload
1206 measures used by the ~~Compensation Board~~ *State Comptroller* in staffing standards established for
1207 assistant attorney for the Commonwealth positions in Commonwealth's Attorneys' offices statewide.

1208 C. Upon electing to become a full-time attorney for the Commonwealth and upon receiving
1209 additional funding of such office by the ~~Compensation Board~~ *State Comptroller*, the attorney for the
1210 Commonwealth shall not thereafter engage in the private practice of law. No such election shall become
1211 effective until the July 1 immediately following the date of election, or until another date as agreed
1212 upon by the attorney for the Commonwealth and the ~~Compensation Board~~ *State Comptroller*.

1213 D. The ~~Compensation Board~~ *State Comptroller* shall fund such additional full-time offices of the
1214 attorney for the Commonwealth according to the priority list established in subsection B of this section,
1215 subject to appropriations by the General Assembly.

1216 § 15.2-1630. (For applicability, see note) Attorneys for the Commonwealth for cities; no additional
1217 compensation for substituting for or assisting any other attorney for the Commonwealth or assistant.

1218 The voters in every city shall elect, for a term of four years, an attorney for the Commonwealth. Any
1219 city not required to have or to elect such officer prior to July 1, 1971, shall not be so required by this
1220 section. Assistant attorneys for the Commonwealth for cities may be appointed by the attorney for the
1221 Commonwealth for such city. Such assistants shall receive such compensation as shall be fixed in the
1222 manner provided by law. All assistant attorneys for the Commonwealth shall perform such duties as are
1223 prescribed by their respective attorney for the Commonwealth. In cities having a population of more
1224 than 35,000, attorneys for the Commonwealth and all assistant attorneys for the Commonwealth shall
1225 devote full time to their duties, and shall not engage in the private practice of law; however, this
1226 provision shall not apply in cities reaching a population of more than 35,000, which had a population of
1227 35,000 or less immediately prior to the commencement of the term for which the attorney for the

Commonwealth sought office. In cities having a population of more than 17,000 and less than 35,000, attorneys for the Commonwealth and all assistant attorneys for the Commonwealth shall devote full time to their duties, and shall not engage in the private practice of law, if the council of the city and the ~~Compensation Board State Comptroller~~ all concur that he shall so serve. The office of assistant attorney for the Commonwealth heretofore created and provided for in the charters of such cities is hereby abolished.

Notwithstanding any other provisions of law, no attorney for the Commonwealth or assistant required to devote full time to his duties shall receive any additional compensation from the Commonwealth or any city or county for substituting for or assisting any other attorney for the Commonwealth or his assistant in any criminal prosecution or investigation.

Any attorney for the Commonwealth who is serving full time when the population for his city declines to 35,000 or less, according to a new United States census, may elect to continue serving on a full-time basis for the remainder of his current term and any subsequent successive terms. So long as he continues to serve on a full-time basis, he shall be compensated for full-time service on the same basis as an attorney for the Commonwealth in a city having a population of 35,001.

Any city served by a full-time attorney for the Commonwealth on January 1, 1993, under the provisions hereof shall continue to be served by a full-time attorney for the Commonwealth in the event the population of such city shall have fallen below the 17,000 population threshold in the most recent U.S. census and shall be administered in the same manner as cities with populations in excess of 17,000 but of 35,000 or less. In such jurisdictions, the attorney for the Commonwealth and his assistant attorneys and their successors in office shall be subject to the requirements regarding full-time service and part-time private practice as in effect for such positions on January 1, 1993. No further action by the council of the city or the ~~Compensation Board State Comptroller~~ shall be necessary.

§ 15.2-1630. (For applicability, see note) Attorneys for the Commonwealth for cities; no additional compensation for substituting for or assisting any other attorney for the Commonwealth or assistant.

The voters in every city shall elect, for a term of four years, an attorney for the Commonwealth. Any city not required to have or to elect such officer prior to July 1, 1971, shall not be so required by this section. Assistant attorneys for the Commonwealth for cities may be appointed by the attorney for the Commonwealth for such city. Such assistants shall receive such compensation as shall be fixed in the manner provided by law. However, volunteer assistant attorneys for the Commonwealth serving without compensation may be appointed by the attorney for the Commonwealth without approval of the governing body or the ~~Compensation Board State Comptroller~~. All assistant attorneys for the Commonwealth shall perform such duties as are prescribed by their respective attorney for the Commonwealth. In cities having a population of more than 35,000, attorneys for the Commonwealth and all assistant attorneys for the Commonwealth, except volunteer assistants serving without compensation, shall devote full time to their duties, and shall not engage in the private practice of law; however, this provision shall not apply in cities reaching a population of more than 35,000, which had a population of 35,000 or less immediately prior to the commencement of the term for which the attorney for the Commonwealth sought office. In cities having a population of more than 17,000 and less than 35,000, attorneys for the Commonwealth and all assistant attorneys for the Commonwealth, except volunteer assistants serving without compensation, shall devote full time to their duties, and shall not engage in the private practice of law, if the council of the city and the ~~Compensation Board State Comptroller~~ all concur that he shall so serve. The office of assistant attorney for the Commonwealth heretofore created and provided for in the charters of such cities is hereby abolished.

Notwithstanding any other provisions of law, no attorney for the Commonwealth or assistant required to devote full time to his duties shall receive any additional compensation from the Commonwealth or any city or county for substituting for or assisting any other attorney for the Commonwealth or his assistant in any criminal prosecution or investigation.

Any attorney for the Commonwealth who is serving full time when the population for his city declines to 35,000 or less, according to a new United States census, may elect to continue serving on a full-time basis for the remainder of his current term and any subsequent successive terms. So long as he continues to serve on a full-time basis, he shall be compensated for full-time service on the same basis as an attorney for the Commonwealth in a city having a population of 35,001.

Any city served by a full-time attorney for the Commonwealth on January 1, 1993, under the provisions hereof shall continue to be served by a full-time attorney for the Commonwealth in the event the population of such city shall have fallen below the 17,000 population threshold in the most recent U.S. census and shall be administered in the same manner as cities with populations in excess of 17,000 but of 35,000 or less. In such jurisdictions, the attorney for the Commonwealth and his assistant attorneys and their successors in office shall be subject to the requirements regarding full-time service and part-time private practice as in effect for such positions on January 1, 1993. No further action by the council of the city or the ~~Compensation Board State Comptroller~~ shall be necessary.

1289 § 15.2-1631. Part-time attorneys for the Commonwealth in certain cities may seek full-time status.

1290 A. Notwithstanding §§ 15.2-1627.1 and 15.2-1630, any attorney for the Commonwealth for a city
1291 may, with the consent of the ~~Compensation Board~~ *State Comptroller*, elect to devote full time to the
1292 duties of attorney for the Commonwealth at a salary equal to that for an attorney for the Commonwealth
1293 in a city with a population of more than 35,000. Such an election and consent by the ~~Compensation~~
1294 ~~Board~~ *State Comptroller* shall be binding on the attorney for the Commonwealth and on successors in
1295 the office.

1296 B. The ~~Compensation Board~~ *State Comptroller* shall prepare a list of localities eligible to have a
1297 full-time attorney for the Commonwealth and shall prioritize the list according to the same workload
1298 measures used by the ~~Compensation Board~~ *State Comptroller* in staffing standards established for
1299 assistant attorney for the Commonwealth positions in Commonwealth's Attorneys' offices statewide.

1300 C. Upon electing to become a full-time attorney for the Commonwealth and upon receiving
1301 additional funding of such office by the ~~Compensation Board~~ *State Comptroller*, the attorney for the
1302 Commonwealth shall not thereafter engage in the private practice of law. No such election shall become
1303 effective until the July 1 immediately following the date of election, or until another date as agreed
1304 upon by the attorney for the Commonwealth and the ~~Compensation Board~~ *State Comptroller*.

1305 D. The ~~Compensation Board~~ *State Comptroller* shall fund such additional full-time offices of the
1306 attorney for the Commonwealth according to the priority list established in subsection B of this section,
1307 subject to appropriations by the General Assembly.

1308 § 15.2-1632. (For applicability, see note) Employment of assistants to attorneys for the
1309 Commonwealth, subject to approval of the State Comptroller.

1310 Every county and city may, with the approval of the ~~Compensation Board~~ *State Comptroller*, provide
1311 for employing such additional assistant or assistants to the attorney for the Commonwealth as in the
1312 opinion of the governing body may be required. Such assistant or assistants shall be appointed by the
1313 attorney for the Commonwealth. The compensation for such assistants to the attorneys for the
1314 Commonwealth shall be as provided for assistants to attorneys for the Commonwealth under
1315 § 15.2-1627.1.

1316 § 15.2-1632. (For applicability, see note) Employment of assistants to attorneys for the
1317 Commonwealth, subject to approval of State Comptroller.

1318 Every county and city may, with the approval of the ~~Compensation Board~~ *State Comptroller*, provide
1319 for employing such additional compensated assistant or assistants to the attorney for the Commonwealth
1320 as in the opinion of the governing body may be required. Such assistant or assistants shall be appointed
1321 by the attorney for the Commonwealth. The compensation for such assistants to the attorneys for the
1322 Commonwealth shall be as provided for assistants to attorneys for the Commonwealth under
1323 § 15.2-1627.1.

1324 § 15.2-1633. (For applicability, see note) Part-time assistants to attorneys for the Commonwealth.

1325 Notwithstanding any contrary provisions of §§ 15.2-1627.1, 15.2-1628 and 15.2-1630, the
1326 ~~Compensation Board~~ *State Comptroller* at the request of the attorney for the Commonwealth may
1327 provide for one part-time assistant to a full-time attorney for the Commonwealth.

1328 § 15.2-1633. (For applicability, see note) Part-time compensated assistants to attorneys for the
1329 Commonwealth.

1330 Notwithstanding any contrary provisions of §§ 15.2-1627.1, 15.2-1628 and 15.2-1630, the
1331 ~~Compensation Board~~ *State Comptroller* at the request of the attorney for the Commonwealth may
1332 provide for one compensated part-time assistant to a full-time attorney for the Commonwealth.

1333 § 15.2-1711. Providing legal fees and expenses for law-enforcement officers; repayment to locality of
1334 two-thirds of amount by State Comptroller.

1335 If any law-enforcement officer is investigated, arrested or indicted or otherwise prosecuted on any
1336 criminal charge arising out of any act committed in the discharge of his official duties, and no charges
1337 are brought, the charge is subsequently dismissed or upon trial he is found not guilty, the governing
1338 body of the locality wherein he is appointed may reimburse such officer for reasonable legal fees and
1339 expenses incurred by him in defense of such investigation or charge; such reimbursement shall be paid
1340 from the treasury of the locality.

1341 When a governing body reimburses its sheriff or a law-enforcement officer in the sheriff's
1342 employment for reasonable legal fees and expenses as provided for in this section, then, upon
1343 certification of the reimbursement to the ~~Chairman of the Compensation Board~~ by the ~~presiding officer~~
1344 ~~of the governing body~~, the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services*
1345 shall pay to the applicable locality two-thirds of the amount so certified.

1346 § 15.2-2502. Notification by state officials and agencies.

1347 Notwithstanding any contrary provision of general law, the ~~Compensation Board~~ and Department of
1348 Taxation shall, no later than the fifteenth day following final adjournment of each regular session of the
1349 General Assembly, inform all localities and school divisions of the estimated amounts of all state
1350 moneys they will receive during the upcoming fiscal year and any other information that may be

required for such localities and school divisions to be able to compute amounts of moneys they may collect.

§ 15.2-2507. Amendment of budget.

A. Any locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year as shown in the currently adopted budget as prescribed by § 15.2-2504. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by publishing a notice of a meeting and a public hearing once in a newspaper having general circulation in that locality at least seven days prior to the meeting date. The notice shall state the governing body's intent to amend the budget and include a brief synopsis of the proposed budget amendment. Any local governing body may adopt such amendment at the advertised meeting, after first providing a public hearing during such meeting on the proposed budget amendments.

B. Pursuant to the requirements of §§ 9.1-137.2 and 9.1-137.7 through 9.1-137.10, 15.2-1609.1, and 15.2-1607.7; ~~45.2-1636.8, and 45.2-1636.13 through 45.2-1636.17~~, every county and city shall appropriate as part of its annual budget or in amendments thereto amounts for salaries, expenses and other allowances for its ~~constitutional officers~~ sheriffs that are not less than those established for such offices in the locality by the ~~Compensation Board~~ Director of the Department of Criminal Justice Services pursuant to applicable law or, in the event of an appeal pursuant to § ~~15.2-1636.9~~ 9.1-137.4, by the circuit court in accordance with the provisions of that section.

C. Pursuant to the requirements of §§ 2.2-823 and 2.2-827 through 2.2-831, every county and city shall appropriate as part of its annual budget or in amendments thereto amounts for salaries, expenses, and other allowances for its treasurer and commissioner of revenue that are not less than those established for such offices in the locality by the State Comptroller pursuant to applicable law or, in the event of an appeal pursuant to § 2.2-824, by the circuit court in accordance with the provisions of that section.

D. Pursuant to the requirements of §§ 17.1-332 and 17.1-333, every county and city shall appropriate as part of its annual budget or in amendments thereto amounts for salaries, expenses, and other allowances for its clerk of circuit court that are not less than those established for such offices in the locality by the Executive Secretary of the Supreme Court pursuant to applicable law or, in the event of an appeal pursuant to § 17.1-334, by the circuit court in accordance with the provisions of that section.

§ 17.1-279. Additional fee to be assessed by circuit court clerks for information technology.

A. In addition to the fees otherwise authorized by this chapter, the clerk of each circuit court shall assess a \$5 fee, known as the "Technology Trust Fund Fee," in each civil action, upon each instrument to be recorded in the deed books, and upon each judgment to be docketed in the judgment lien docket book. Such fee shall be deposited by the State Treasurer into a trust fund. The State Treasurer shall maintain a record of such deposits.

B. Four dollars of every \$5 fee shall be allocated by the ~~Compensation Board~~ Executive Secretary of the Supreme Court from the trust fund for the purposes of: (i) developing and updating individual land records automation plans for individual circuit court clerks' offices; (ii) implementing automation plans to modernize land records in individual circuit court clerks' offices and provide secure remote access to land records throughout the Commonwealth pursuant to § 17.1-294; (iii) obtaining and updating office automation and information technology equipment including software and conversion services; (iv) preserving, maintaining and enhancing court records, including, but not limited to, the costs of repairs, maintenance, land records, consulting services, service contracts, redaction of social security numbers from land records, and system replacements or upgrades; and (v) improving public access to court records. The ~~Compensation Board~~ Executive Secretary of the Supreme Court in consultation with circuit court clerks and other users of court records shall develop and update policies governing the allocation of funds for these purposes. However, such funds shall not be used for personnel costs within the circuit court clerks' offices. The ~~Compensation Board~~ Executive Secretary of the Supreme Court policies governing the allocation of funds shall require that a clerk submit to the ~~Compensation Board~~ Executive Secretary of the Supreme Court a written certification that the clerk's proposed technology improvements of his land records will provide secure remote access to those land records on or before July 1, 2008.

The annual budget submitted by each circuit court clerk pursuant to § 15.2-1636.7 may include a request for technology improvements in the upcoming fiscal year to be allocated by the ~~Compensation Board~~ Executive Secretary of the Supreme Court from the trust fund. Such request shall not exceed the deposits into the trust fund credited to that locality. The ~~Compensation Board~~ Executive Secretary of the Supreme Court shall allocate the funds requested by the clerks in an amount not to exceed the deposits into the trust fund credited to their respective localities.

C. The remaining \$1 of each such fee may be allocated by the ~~Compensation Board~~ Executive Secretary of the Supreme Court from the trust fund (i) for the purposes of funding studies to develop and update individual land-records automation plans for individual circuit court clerks' offices, at the

request of and in consultation with the individual circuit court clerk's offices, and (ii) for the purposes enumerated in subsection B to implement the plan to modernize land records in individual circuit court clerks' offices and provide secure remote access to land records throughout the Commonwealth. The allocations pursuant to this subsection may give priority to those individual clerks' offices whose deposits into the trust fund would not be sufficient to implement its modernization plan. The ~~Compensation Board Executive Secretary of the Supreme Court~~ policies governing the allocation of funds shall require that a clerk submit to the ~~Compensation Board Executive Secretary of the Supreme Court~~ a written certification that the clerk's proposed technology improvements of his land records will provide secure remote access to those land records on or before July 1, 2008.

D. 1. Secure remote access to land records shall be by paid subscription service through individual circuit court clerk's offices pursuant to § 17.1-276, or through designated application service providers. The clerk may require any entity that is a nonresident of the Commonwealth, prior to becoming a subscriber, to demonstrate that such entity is authorized to do business in Virginia and is in good standing with the State Corporation Commission or other applicable state or federal regulatory agency and that such entity will comply with the secure remote access standards developed by the Virginia Information Technologies Agency pursuant to § 17.1-294. In the case of an individual, the clerk may require a person who is a nonresident of the Commonwealth to demonstrate that such person has a legal presence in Virginia and will comply with the secure remote access standards developed by the Virginia Information Technologies Agency pursuant to § 17.1-294. Compliance with secure remote access standards developed by the Virginia Information Technologies Agency pursuant to § 17.1-294 shall be certified by the individual circuit court clerks' offices to the ~~Compensation Board Executive Secretary of the Supreme Court~~. The individual circuit court clerk's office or its designated application service provider shall certify compliance with such secure remote access standards. Nothing in this section shall prohibit the ~~Compensation Board Executive Secretary of the Supreme Court~~ from allocating trust fund money to individual circuit court clerks' offices for the purpose of complying with such secure remote access standards or redaction of social security numbers from land records.

2. Every circuit court clerk shall provide secure remote access to land records pursuant to § 17.1-294 on or before July 1, 2008.

E. Such fee shall not be assessed to any instrument to be recorded in the deed books nor any judgment to be docketed in the judgment lien docket books tendered by any federal, state or local government.

F. If such an application includes automation or technology improvements that would require an interface with the case management system or the financial management system operated and maintained by the Executive Secretary of the Supreme Court for the purpose of providing electronic information to state agencies in accordance with § 17.1-502, the circuit court clerk, or the court's designated application service provider, shall certify to the ~~Compensation Board~~ that such automation or technology improvements will comply with the security and data standards of the systems operated and maintained by the Executive Secretary of the Supreme Court.

G. Information regarding the technology programs adopted by the circuit court clerks shall be shared with the Virginia Information Technologies Agency, The Library of Virginia, and the Office of the Executive Secretary of the Supreme Court.

H. Nothing in this section shall be construed to diminish the duty of local governing bodies to furnish supplies and equipment to the clerks of the circuit courts pursuant to § 15.2-1656. Revenue raised as a result of this section shall in no way supplant current funding to circuit court clerks' offices by local governing bodies.

I. Effective July 1, 2006, except for transfers pursuant to this section, there shall be no transfers out of the Technology Trust Fund, including transfers to the general fund.

§ 17.1-283. Statements required of clerks of courts of record; exceptions.

A. Every clerk of a court of record, except the Clerks of the Supreme Court and the Court of Appeals, shall file monthly with the ~~Compensation Board Executive Secretary of the Supreme Court~~ a full and accurate statement showing all such fees, allowances, commissions, salaries or other compensation or emolument of office, derived from the Commonwealth or any political subdivision thereof, or from any other source whatever, collected or received by him. The statements shall include the date of collection and sources from which the collections were made, and shall be verified by a procedure agreed upon by the ~~Compensation Board Executive Secretary of the Supreme Court~~ and the Auditor of Public Accounts. The statements shall be open to public inspection at all times.

B. The statements shall show in detail all sums actually paid for necessary office expenses, premiums on official bond of the principal and deputies, name and amount of compensation to each deputy or assistant, and a detailed statement of every other expense in connection with the administration of the office actually paid out.

§ 17.1-285. Payment of excess.

A. The Commonwealth shall be entitled to one-third of the excess fees collected by clerks as

required to be reported under § 17.1-283 and the governing body of the county or city shall be entitled to two-thirds of the excess fees collected unless otherwise provided by law. The ~~Compensation Board~~ *Executive Secretary of the Supreme Court* shall determine on an annual basis by June 30 of each year the methods by which excess fees shall be disbursed.

B. All of the excess paid into the state treasury by the clerks of the Supreme Court of Virginia and the Court of Appeals shall be retained therein.

§ 17.1-288. Compensation and expenses of clerks of circuit courts in Cities of Richmond and Newport News.

In the City of Richmond and in the City of Newport News, the clerk of the circuit court shall be paid a salary by the city of not less than the amount which would be allowed to be retained by the respective clerks under state law. Nothing in this paragraph shall be construed to prevent such clerks from receiving any future increases that may be allowed clerks of circuit courts from time to time by the General Assembly.

Such salaries shall be in full compensation for services and shall be in lieu of the retention by such clerks of any and all official fees, commissions and emoluments of whatever kind or character, and from whatever source derived; and the city council of each such city shall provide for the payment of such salaries out of the city treasury in equal biweekly, semimonthly or monthly installments. The expenses of office of such clerks, including the compensation of all deputies and employees, shall likewise be paid to each such clerk out of the city treasury on duly authenticated vouchers when and as such expenses are incurred or may become due and payable or at least monthly. The maximum amount of such expenses shall be fixed by the Compensation Board, and the Board shall fix the number and compensation of the deputies and employees of each such clerk.

All fees, commissions, and emoluments of every kind or character received or collected by such clerks, and from whatever source derived, shall be paid into the city treasury by such clerks monthly. All fees, commissions, and emoluments of every kind and character whether payable by the Commonwealth, the United States, or by private persons, firms or corporations, now or hereafter made receivable by laws or ordinance by such clerks, shall continue to be paid to and collected by such clerks and shall be paid into the city treasury monthly, except that the city aforesaid shall not be required to pay any such clerk any fees or commissions for services performed for such city.

Except as to the Clerk of the Circuit Court of the City of Newport News, nothing in this section shall be construed to affect or remove any of such clerks, their deputies, or employees from coverage by the Virginia Retirement System, but they shall remain in such system, and the city shall pay to the Virginia Retirement System such amount as the Commonwealth would have been required to pay had such clerks, deputies and employees continued to be compensated under other provisions of former Article 3 (§ 14.1-136 et seq.) of Chapter 2 of Title 14.1, and the city shall deduct from the salaries paid such clerks, their deputies and employees the employee contribution to the Virginia Retirement System as provided by law.

§ 17.1-290. Contracts by cities.

Subject to the approval of the ~~Compensation Board~~ *Executive Secretary of the Supreme Court*, the council of any city may enter into contracts with officers providing for salaries for the maximum amount allowed in § 17.1-287 and for the city's pro rata part of the expense of the office approved by the ~~State Compensation Board~~ *Executive Secretary of the Supreme Court*, in lieu of fees and commissions prescribed by law for services performed for the city and such contracts may relieve the officer from collecting such fees and commissions. In the event such contract is entered into and approved by the ~~Compensation Board~~ *Executive Secretary of the Supreme Court*, the officer and the city shall not be liable to the Commonwealth for the failure of such officer to collect fees and commissions prescribed by law for services rendered the city. A copy of every such contract, certified by the clerk of the city council, shall be filed with the Comptroller.

§ 17.1-294. Secure remote access to land records.

A. No circuit court clerk shall provide secure remote access to any land record that does not comply with the provisions of this section and the secure remote access standards developed by the Virginia Information Technologies Agency in consultation with the circuit court clerks, the Executive Secretary of the Supreme Court, the ~~Compensation Board~~, and users of land and other court records.

B. 1. Beginning July 1, 2012, any land record made available to subscribers via secure remote access may contain only the last four digits of the social security number of any party. Nothing in this subsection shall be construed to require the clerk to reinsert the last four digits of a social security number on any land record where the redaction of the entire social security number has been completed prior to July 1, 2012.

2. However, the original land record maintained by the clerk may contain a social security number if otherwise provided by law, but that original record shall not be made available via secure remote access unless it complies with this section.

3. Except in cases where the original record is required by law to contain a social security number, the attorney or party who prepares or submits the land record for recordation has the responsibility for ensuring that the social security number has been removed from the writing prior to the instrument's being submitted for recordation.

C. Nothing in this section shall be construed to prohibit access to any original document as provided by law.

D. The clerk of the circuit court of any jurisdiction shall be immune from suit arising from any acts or omissions relating to providing secure remote access to land records pursuant to this section unless the clerk was grossly negligent or engaged in willful misconduct.

Article 4.

Clerks of Circuit Court.

§ 17.1-332. Deputies, office expenses, premiums on bonds, etc.

A. The Executive Secretary shall determine (i) how many deputies and assistants, if any, are necessary to the efficient performance of the duties of the office of the officer filing a report required by § 17.1-283, (ii) what should be the compensation of such deputies and assistants, (iii) what allowance, if any, should be made for office expenses and premiums on official bonds, and (iv) the manner in which such compensation should be paid or such allowance made.

B. Each of such officers shall, on or before the first day of November in each year, report to the Executive Secretary, on official estimate blanks furnished for such purpose, an estimate in itemized form showing the amount of expenses expected to be incurred in the operation and maintenance of his office for the ensuing year, and all such expenses must be approved in advance by the Executive Secretary in order to be deductible under §17.1-284.

C. Nothing in this section shall be construed as prohibiting the Executive Secretary from increasing at any time in the year allowances for such expenses as provided in § 17.1-333. The Executive Secretary shall report annually to the Governor on the expenses of such office.

§ 17.1-333. Adjustment of questions of division of compensation, expenses, etc.

The Executive Secretary may adjust equitably all questions of the division of compensation, allowances for deputies and assistants, office expenses, and premiums on bonds that may arise due to the change of incumbents in any such offices or from any other cause. All adjustments shall be made as nearly as possible in accordance with the intent of this Article. The Executive Secretary may, on written application from any clerk of a court of record, and for good cause shown, increase the allowance made to such clerks for deputies and assistants, office expenses and premiums on bonds. The governing body of a county or city may, by resolution adopted and certified, make to the Executive Secretary any recommendation it may desire to make with respect to the expense account of any clerk of a court of record as to increase or decrease of expense.

§ 17.1-334. Appeal from decision of Executive Secretary.

A. Any clerk of a circuit court shall have a right to appeal from the annual budget decision of the Executive Secretary under this article affecting the expenses or allowances of the clerk, or the salary and number of clerk's deputies. In addition, any county or city affected by such decision or the Attorney General as representative of the Commonwealth shall have the right to appeal from the decision.

B. Such appeal shall be made within 45 days from the date of the decision of the Executive Secretary. The appeal shall lie to the circuit court of the county or city wherein the officer making the appeal resides. The court shall be presided over by three judges of circuit courts remote from that to which the appeal is taken. The three judges shall be chosen by the Chief Justice of the Supreme Court from a panel of 15 active or retired judges selected to hear such matters by the Supreme Court. Such judges shall remain on the panel for a period of time determined by the Chief Justice of the Supreme Court. No judge may be appointed to hear an appeal involving a jurisdiction in his current or former circuit. Notice of such appeal shall be given within the time above specified by any such officer to the Executive Secretary, the county or city affected, and the Attorney General. The officer appealing shall, in the appeal, state with specificity what action of the Executive Secretary the officer is contesting, the additional services provided to the locality not required by law, and the cost of providing such service. The Executive Secretary shall notify the Chief Justice forthwith when all administrative remedies have been exhausted by the appellant, and the three-judge court shall be designated upon receipt of the notice by the Chief Justice. The appeal shall be heard within 45 days from the date such notice is filed by the Executive Secretary with the Chief Justice. At least 15 days' notice of the time and place set for the hearing shall be given the officer noting such appeal, the county or city affected, the Executive Secretary and the Attorney General. On such appeal all questions involved in said decision shall be heard de novo by the court and its decision on all questions shall be certified by the clerk thereof to the officer affected, to the locality and to the Executive Secretary.

C. In making its decision, the court shall give consideration to the amount of funds budgeted and expended by the local government for the clerk of circuit court that exceeds the amount reimbursed by the Executive Secretary, the extent to which the officer provides additional services to the locality not

required by law and to what extent, if any, the local government should participate in providing the additional funding requested by the clerk of circuit court. The court shall also give consideration both to the clerk of circuit court's ability to perform his statutory duties without additional funding and the ability of the Executive Secretary and local government to provide additional funding for the officer's functions. The court shall also consider maximum staffing and funding levels set in the general appropriation act and any other statutory provisions that would otherwise prohibit the Executive Secretary from granting the clerk of circuit court's request. The burden of proving the necessity of additional funding shall be borne by the clerk of circuit court. After due consideration of Executive Secretary and local government statutory authority and the clerk of circuit court's demonstrated need for additional funding, the court shall determine the extent to which the Executive Secretary and local government shall share in the additional funding.

D. Should the court determine that additional funding is necessary for the clerk of circuit court to perform his duties, and that it is the responsibility of the Executive Secretary to provide all or part of the additional funds, and that the Executive Secretary does not have the ability to provide such additional funding, the Executive Secretary shall request the necessary additional funding from the General Assembly at its next occurring regular session.

E. Should the court determine that additional funding is necessary for the clerk of circuit court to perform his duties and that it is the responsibility of the local government to provide all or part of the additional funds, and that the local government does not have the ability to provide such additional funding, the chief administrative officer of the local government shall include such request in the budget submission to the local governing body.

F. From the decision of the court there shall be no right of further appeal. The decision of the court shall be within the difference between the amounts originally requested by the appealing clerk of circuit court pursuant to § 17.1-330 and the amounts fixed by the Executive Secretary for such fiscal year; however, when the appeal is filed by a county or city, such decision shall be within the difference between the prior salaries, expenses, and other allowances of such officer and the amounts fixed by the Executive Secretary for such fiscal year. In the event an appeal is filed by both the officer affected and the county or city affected, such decision shall be within the difference between the amounts originally requested by the appealing clerk of circuit court pursuant to § 17.1-334 and the prior salaries, expenses, and other allowances of such officer.

G. In pursuing the provisions of this section, clerks of circuit court may use funds designated by the Executive Secretary or appropriated by their local governing body to employ independent counsel, provided that funds have been specifically appropriated for such purpose.

§ 17.1-502. Administrator of circuit court system.

The Executive Secretary of the Supreme Court shall be the administrator of the circuit court system, which shall include responsibility for the operation and maintenance of a case management system and financial management system, and related technology improvements, that the Executive Secretary shall deem necessary for the administration of the circuit court system. The Executive Secretary shall permit an interface with the case management system, financial management system, and related technology improvements for the purpose of providing electronic information to state agencies, upon request of any circuit court that uses automation or technology improvements provided by a private vendor or the locality. The circuit court clerk and the clerk's designated application service provider shall comply with the security and data standards established by the Executive Secretary for any such interface between a case management or financial management system operated by a circuit court clerk and the systems of the Executive Secretary. The costs of designing, implementing, and maintaining any such interface with the systems of the Executive Secretary shall be the responsibility of the circuit court clerk. Any expenses incurred within the office of the Executive Secretary, not to exceed \$104,280, related to the operation and maintenance of such interfaces with the case management system and financial management system shall be reimbursed through the Technology Trust Fund established pursuant to subsection A of § 17.1-279. Prior to incurring any costs, the Office of the Executive Secretary shall provide the circuit court clerk a written explanation and amount of the expenses for reimbursement from the Compensation Board, notify the circuit court clerk of the amount being requested for reimbursement and an explanation of the expenses incurred. The Executive Secretary shall assist the chief judges in the performance of their administrative duties. He may employ such staff and other assistants, from state funds appropriated to him for the purpose, as may be necessary to carry out his duties, and may secure such office space as may be requisite, to be located in an appropriate place to be selected by the Executive Secretary.

§ 17.1-507. Number of judges; residence requirement; compensation; powers; etc.

A. For the several judicial circuits there shall be judges, the number as hereinafter set forth, who shall during their service reside within their respective circuits and whose compensation and powers shall be the same as now and hereafter prescribed for circuit judges.

1658 The number of judges of the circuits shall be as follows:

1659 First - 5

1660 Second - 10

1661 Third - 5

1662 Fourth - 9

1663 Fifth - 3

1664 Sixth - 2

1665 Seventh - 5

1666 Eighth - 4

1667 Ninth - 4

1668 Tenth - 3

1669 Eleventh - 3

1670 Twelfth - 5

1671 Thirteenth - 8

1672 Fourteenth - 5

1673 Fifteenth - 8

1674 Sixteenth - 5

1675 Seventeenth - 4

1676 Eighteenth - 3

1677 Nineteenth - 15

1678 Twentieth - 4

1679 Twenty-first - 3

1680 Twenty-second - 4

1681 Twenty-third - 6

1682 Twenty-fourth - 5

1683 Twenty-fifth - 4

1684 Twenty-sixth - 5

1685 Twenty-seventh - 5

1686 Twenty-eighth - 3

1687 Twenty-ninth - 4

1688 Thirtieth - 3

1689 Thirty-first - 5

1690 B. No additional circuit court judge shall be authorized or provided for any judicial circuit until the
1691 Judicial Council has made a study of the need for such additional circuit court judge and has reported
1692 its findings and recommendations to the Courts of Justice Committees of the House of Delegates and
1693 Senate. The boundary of any judicial circuit shall not be changed until a study has been made by the
1694 Judicial Council and a report of its findings and recommendations made to said Committees.

1695 C. If the Judicial Council finds the need for an additional circuit court judge after a study is made
1696 pursuant to subsection B, the study shall be made available to the ~~Compensation Board~~ *Executive*
1697 *Secretary of the Supreme Court* and the Courts of Justice Committees of the House of Delegates and
1698 Senate and Council shall publish notice of such finding in a publication of general circulation among
1699 attorneys licensed to practice in the Commonwealth. The ~~Compensation Board~~ *Executive Secretary of*
1700 *the Supreme Court* shall make a study of the need to provide additional courtroom security and deputy
1701 court clerk staffing. This study shall be reported to the Courts of Justice Committees of the House of
1702 Delegates and the Senate, and to the Department of Planning and Budget.

1703 § 19.2-83.2. Jail officer to ascertain citizenship of inmate.

1704 Whenever any person is taken into custody at any jail, the sheriff or other officer in charge of such
1705 facility shall inquire as to whether the person (i) was born in a country other than the United States, and
1706 (ii) is a citizen of a country other than the United States. The sheriff or other officer in charge of such
1707 facility shall make an immigration alien query to the Law Enforcement Support Center of the United
1708 States Immigration and Customs Enforcement for any person who (i) was born in a country other than
1709 the United States, and (ii) is a citizen of a country other than the United States, or for whom the answer
1710 to (i) or (ii) is unknown. The sheriff or other officer in charge shall communicate the results of any
1711 immigration alien query to the Local Inmate Data System of the ~~State Compensation Board~~ *Executive*
1712 *Secretary of the Supreme Court*. The ~~State Compensation Board~~ *Executive Secretary of the Supreme*
1713 *Court* shall communicate, on a monthly basis, the results of any immigration alien query that results in a
1714 confirmation that the person is illegally present in the United States to the Central Criminal Records
1715 Exchange of the Department of State Police in a format approved by the Exchange. The information
1716 received by the Central Criminal Records Exchange concerning the person's immigration status shall be
1717 recorded in the person's criminal history record.

1718 § 19.2-155. Disqualification or temporary disability of attorney for Commonwealth; appointment of
1719 substitute; powers, duties and compensation of such appointee.

If the attorney for the Commonwealth of any county or city is connected by blood or marriage with the accused, or is so situated with respect to such accused as to render it improper, in his opinion, concurred in by the judge, for him to act, or if such attorney for the Commonwealth of any county or city is unable to act, or to attend to his official duties as attorney for the Commonwealth, due to sickness, disability or other reason of a temporary nature, then upon notification by such attorney for the Commonwealth, or upon the certificate of his attending physician, or the clerk of the court, which fact shall be entered of record, the judge of the circuit court shall appoint from another jurisdiction an attorney for the Commonwealth or an assistant attorney for the Commonwealth, with the consent of such attorney for the Commonwealth or assistant, who is not authorized by law to engage in private practice for such case or cases, term or terms of court, or period or periods of time, as may be necessary or desirable, and the same to be forthwith entered of record. However, if the circuit court determines that the appointment of such attorney for the Commonwealth or such assistant attorney for the Commonwealth is not appropriate or that such an attorney or assistant is unavailable, or for other good cause, then the circuit court may appoint an attorney-at-law who shall be compensated pursuant to § 19.2-332. Such appointee shall act in place of, and otherwise perform the duties and exercise the powers of, such disqualified or disabled attorney for the Commonwealth, in regard to such case or cases, for the term or terms of the court, or the period or periods of time, for which the appointment and designation is made, or until the disqualified or disabled attorney for the Commonwealth shall again be able to attend to his duties as such. Nothing herein shall prevent a court from appointing as a special assistant attorney for the Commonwealth, without additional compensation, an attorney employed by a state agency when such appointment is requested by the attorney for the Commonwealth and the court determines such appointment will aid in the prosecution of a particular case or cases.

An attorney for the Commonwealth or assistant attorney for the Commonwealth who is required by law to devote full time to his duties as such shall not receive additional compensation for services rendered on appointment pursuant to this section. However, such attorney for the Commonwealth or assistant may receive reimbursement for actual expenses incurred, as approved by the ~~Compensation Board~~ *State Comptroller* to be paid by the ~~Compensation Board~~ *State Comptroller*, provided such expenses are not otherwise reimbursed by the county or city which he is elected or appointed to serve or by the ~~Compensation Board~~ *State Comptroller*.

§ 19.2-156. Prolonged absence of attorney for Commonwealth.

If it shall be necessary for the attorney for the Commonwealth of any county or city to absent himself for a prolonged period of time from the performance of the duties of his office, then, upon notification by such attorney for the Commonwealth, or by the court on its own motion, and the facts being entered of record, the judge of the circuit court shall appoint an attorney-at-law as acting attorney for the Commonwealth to serve for such length of time as may be necessary. Such acting attorney for the Commonwealth shall act in place of and otherwise perform the duties and exercise the powers of such regular attorney for the Commonwealth, and while so acting shall receive the salary and allowance for expenses fixed by the ~~State Compensation Board~~ *State Comptroller* for such regular attorney for the Commonwealth, who during such length of time shall not receive any such salary or allowance.

§ 19.2-328. When jailers and sheriffs to summon or employ guards and other persons; allowances therefor.

Whenever in the discretion of the court it is necessary for the safekeeping of a prisoner under charge of, or sentence for, crime, whether the prisoner be in jail, hospital, court or elsewhere, the court may order the jailer to summon a sufficient guard, and whenever ordered by the court to do so, the sheriff of any county or city shall summon or employ temporarily such person or persons as may be needed to preserve proper order or otherwise to aid the court in its proper operation and functioning, and for such guard or other service the court may allow therefor so much as it deems proper, not exceeding the hourly equivalent of the minimum annual salary paid a full-time deputy sheriff who performs like services in the same county or city; in addition, mileage and other expenses for rendering the services shall be paid for each person, the same to be paid out of the budget allotted to the sheriff as approved by the ~~Compensation Board~~ *Director of Criminal Justice Services*, except when payment for such guard is otherwise provided under the provisions of § 53.1-94 of the Code of Virginia.

§ 19.2-349. Responsibility for collections; clerks to report unsatisfied fines, etc.; duty of attorneys for Commonwealth; duties of Department of Taxation.

A. The clerk of the circuit court and district court of every county and city shall submit to the judge of his court, the Department of Taxation, the ~~State Compensation Board~~ and the attorney for the Commonwealth of his county or city a monthly report of all fines, costs, forfeitures and penalties which are delinquent more than 30 days, including court-ordered restitution of a sum certain, imposed in his court for a violation of state law or a local ordinance which remain unsatisfied, including those which are delinquent in installment payments. The monthly report shall include the social security number or driver's license number of the defendant, if known, and such other information as the Department of

1781 Taxation and the Compensation Board deem appropriate. The Executive Secretary shall make the report
1782 required by this subsection on behalf of those clerks who participate in the Supreme Court's automated
1783 information system.

1784 B. It shall be the duty of the attorney for the Commonwealth to cause proper proceedings to be
1785 instituted for the collection and satisfaction of all fines, costs, forfeitures, penalties and restitution. The
1786 attorney for the Commonwealth shall determine whether it would be impractical or uneconomical for
1787 such service to be rendered by the office of the attorney for the Commonwealth. If the defendant does
1788 not enter into an installment payment agreement under § 19.2-354, the attorney for the Commonwealth
1789 and the clerk may agree to a process by which collection activity may be commenced 15 days after
1790 judgment.

1791 If the attorney for the Commonwealth does not undertake collection, he shall contract with (i) private
1792 attorneys or private collection agencies, (ii) enter into an agreement with a local governing body, (iii)
1793 enter into an agreement with the county or city treasurer, or (iv) use the services of the Department of
1794 Taxation, upon such terms and conditions as may be established by guidelines promulgated by the
1795 Office of the Attorney General, the Executive Secretary of the Supreme Court with the Department of
1796 Taxation and the Compensation Board. If the attorney for the Commonwealth undertakes collection, he
1797 shall follow the procedures established by the Department of Taxation and the Compensation Board.
1798 Such guidelines shall not supersede contracts between attorneys for the Commonwealth and private
1799 attorneys and collection agencies when active collection efforts are being undertaken. As part of such
1800 contract, private attorneys or collection agencies shall be given access to the social security number of
1801 the defendant in order to assist in the collection effort. Any such private attorney shall be subject to the
1802 penalties and provisions of § 18.2-186.3.

1803 The fees of any private attorneys or collection agencies shall be paid on a contingency fee basis out
1804 of the proceeds of the amounts collected. However, in no event shall such attorney or collection agency
1805 receive a fee for amounts collected by the Department of Taxation under the Setoff Debt Collection Act
1806 (§ 58.1-520 et seq.). A local treasurer undertaking collection pursuant to an agreement with the attorney
1807 for the Commonwealth may collect the administrative fee authorized by § 58.1-3958.

1808 C. The Department of Taxation and the ~~State Compensation Board~~ *Executive Secretary of the*
1809 *Supreme Court* shall be responsible for the collection of any judgment which remains unsatisfied or does
1810 not meet the conditions of § 19.2-354. Persons owing such unsatisfied judgments or failing to comply
1811 with installment payment agreements under § 19.2-354 shall be subject to the delinquent tax collection
1812 provisions of Title 58.1. The Department of Taxation and the ~~State Compensation Board~~ *Executive*
1813 *Secretary of the Supreme Court* shall establish procedures to be followed by clerks of courts, attorneys
1814 for the Commonwealth, other state agencies and any private attorneys or collection agents and may
1815 employ private attorneys or collection agencies, or engage other state agencies to collect the judgment.
1816 The Department of Taxation and the Commonwealth shall be entitled to deduct a fee for services from
1817 amounts collected for violations of local ordinances.

1818 The Department of Taxation and the ~~State Compensation Board~~ *Executive Secretary of the Supreme*
1819 *Court* shall annually report to the Governor and the General Assembly the total of fines, costs,
1820 forfeitures and penalties assessed, collected, and unpaid and those which remain unsatisfied or do not
1821 meet the conditions of § 19.2-354 by each circuit and district court. The report shall include the
1822 procedures established by the Department of Taxation and the ~~State Compensation Board~~ *Executive*
1823 *Secretary of the Supreme Court* pursuant to this section and a plan for increasing the collection of
1824 unpaid fines, costs, forfeitures and penalties. The Auditor of Public Accounts shall annually report to the
1825 Governor, the Executive Secretary of the Supreme Court and the General Assembly as to the adherence
1826 of clerks of courts, attorneys for the Commonwealth and other state agencies to the procedures
1827 established by the Department of Taxation and the ~~State Compensation Board~~ *Executive Secretary of the*
1828 *Supreme Court*.

1829 § 19.2-390.01. Use of Virginia crime code references required.

1830 If any criminal warrant, indictment, information, presentment, petition, summons, charging document
1831 issued by a magistrate, or dispositional document from a criminal trial, involves a jailable offense, it
1832 shall include the Virginia crime code references for the particular offense or offenses covered. When
1833 Virginia crime codes are provided on charging and dispositional documents, the Virginia crime codes
1834 shall be recorded and stored for adult offenders in: criminal history computer systems maintained by the
1835 State Police; court case management computer systems maintained by the Supreme Court of Virginia;
1836 probation and parole case management computer systems maintained by the Department of Corrections
1837 and the Virginia Parole Board; pretrial and community-based probation case management computer
1838 systems maintained by the Department of Criminal Justice Services; and jail management computer
1839 systems maintained by the ~~State Compensation Board~~ *Executive Secretary of the Supreme Court*. The
1840 Department of Juvenile Justice shall record and store Virginia crime codes for particular offenses related
1841 to juveniles in case management computer systems.

1842 Virginia crime codes shall only be used to facilitate administration and research, and shall not have

any legal standing as they relate to a particular offense or offenses.

§ 22.1-117. Fiscal agents of certain school divisions.

The fiscal agent for the school board of a school division composed of part or all of more than one county or city shall be the treasurer of one of the participating counties or cities, as agreed upon by the division school board and the governing bodies. In the event agreement on the selection of a fiscal agent cannot be reached, the Board of Education shall designate such fiscal agent. For his services as fiscal agent, the treasurer shall be paid such salary as the school board and treasurer may agree upon. In the event the school board and the treasurer so designated cannot agree on such compensation, the amount of salary to be paid shall be determined by a court of competent jurisdiction. The amount so fixed by the court shall be binding upon both the treasurer and the school board. Nothing contained in this section shall affect the regular salary or expense allowance of the treasurer as fixed annually by the ~~State Compensation Board~~ *State Comptroller*.

§ 22.1-118. Management of funds for joint school; county or city treasurer as fiscal agent.

The treasurer of a county or city in which a joint school is located shall be the fiscal agent of such school and shall receive and disburse the funds thereof. However, the participating school boards of a joint school, including an academic year Governor's School operated by two or more school divisions, may by agreement and with the approval of the respective local governing bodies, select the fiscal agent for the joint school from among the treasurers, as defined in § 58.1-3123, of the participating localities. All disbursements shall be by warrant signed by the clerk of the committee for control of such school and countersigned by such treasurer as fiscal agent.

For his services as fiscal agent, the treasurer shall be paid such salary as may be agreed upon by the committee for control of the joint school and treasurer. In the event they cannot agree, then the amount of salary to be paid shall be submitted to the circuit court of the county or city in which the school is located for hearing and determination, and the amount so fixed by the court shall be binding upon both the treasurer and the committee. Nothing contained in this section shall affect the regular salary allowance of the treasurer as fixed annually by the ~~State Compensation Board~~ *State Comptroller*.

The provisions of this section shall not apply to the property and school known as New London Academy leased under the provisions of Chapter 174 of the Acts of Assembly of 1887, approved May 10, 1887, and acts amendatory thereof, nor shall they apply in Albemarle County.

§ 30-34.5. Printing and distribution of Acts of Assembly.

A. The Commission shall, within ~~forty-five~~ 45 days following the adjournment of the General Assembly sine die, send to each requesting member of the General Assembly a copy of each Act of Assembly signed by the Governor or if otherwise enacted into law, in the form in which it is signed by the Governor or otherwise enacted into law. Each act so sent shall be clearly denominated with the House of Delegates or the Senate bill number assigned to it by the respective houses of the General Assembly.

B. The Commission shall also requisition, through the Division of Legislative Automated Systems, as soon as approved by the Governor, not in excess of 5,000 copies of the acts and joint resolutions of the General Assembly. These it shall have bound in ordinary half binding, with the index and tables required by law to be printed with the acts and joint resolutions of the General Assembly, and as soon as practicable after the close of each session of the General Assembly, shall deliver by mail, express or otherwise, if requested pursuant to § 30-34.4:1:

1. One copy to the Governor; and such additional copies as may be requested for use in the Governor's office;

2. One copy to each of the Governor's secretaries;

3. One copy to each head of department; each division of the Governor's office, the Commissioner of the Virginia Workers' Compensation Commission, the Employment Commission and the Department of Motor Vehicles, the Director of the Department of Game and Inland Fisheries and the ~~Executive Secretary of the Compensation Board~~ and the Director of the Virginia Retirement System;

4. As many copies to the Division of Legislative Services as may be required by the Division for its use or for exchange with other states;

5. One copy to each member of the General Assembly; however, up to four additional copies may be obtained upon application to the Division of Legislative Automated Systems;

6. One copy to the Lieutenant Governor;

7. One copy to each judge;

8. Five copies to the State Corporation Commission;

9. Twenty-five copies to the Attorney General;

10. One copy to the reporter of the Supreme Court, the Executive Secretary of the Supreme Court, and each clerk of any court, attorney for the Commonwealth, Commissioner of the Revenue, Treasurer, public library, school board, judge and clerk of any court held in this Commonwealth under the laws of the United States and each attorney and marshal in this Commonwealth holding office under the United

1904 States;

1905 11. One copy to the city manager of a city, the mayor of a town and the county administrator,
1906 manager or executive depending on the county's form of government; however, an additional copy for
1907 use within the city, town or county may be obtained upon application to the Division of Legislative
1908 Automated Systems;

1909 12. Five copies to The Library of Virginia;

1910 13. Five copies to the State Law Library;

1911 14. One copy to the head of each university and college in this Commonwealth;

1912 15. One copy to the library of each university and college in this Commonwealth;

1913 16. One copy each to the Schools for the Deaf and the Blind;

1914 17. Five copies to the Clerk of the Senate for the use of the Senate;

1915 18. Ten copies to the Clerk of the House of Delegates for the use of the House;

1916 19. Three copies to the Auditor of Public Accounts;

1917 20. Three additional copies to the Comptroller;

1918 21. One copy to the county attorney in those counties which have created the office of the county
1919 attorney;

1920 22. One copy to the Joint Legislative Audit and Review Commission;

1921 23. One copy to the Committee on Appropriations of the House of Delegates;

1922 24. One copy to the Committee on Finance of the Senate; and

1923 25. One copy to the Division of Legislative Automated Systems.

1924 § 44-123.3. Fort Pickett Police; powers; duties; functions.

1925 There is hereby established within the Department of Military Affairs the Fort Pickett Police
1926 Department. The Fort Pickett Police may exercise within the limits of the Fort Pickett Reservation and,
1927 when assigned to any other property owned or controlled by the Commonwealth or any agency,
1928 department, institution or commission thereof, all the powers, duties and functions that are exercised by
1929 the police of the city, or the police or sheriff of the county within which said property is located. The
1930 jurisdiction of the Fort Pickett Police shall further extend 300 feet beyond the boundary of any property
1931 they are required to protect, such jurisdiction to be concurrent with that of other law-enforcement
1932 officers of the locality in which such property is located. The Fort Pickett Police shall refer any
1933 complaint which alleges a felony violation to the Virginia State Police or the sheriff of the appropriate
1934 jurisdiction who, in cooperation with the Fort Pickett Police, shall conduct an investigation if an
1935 investigation is warranted. All members of the Fort Pickett Police shall be subject to the provisions of
1936 Chapters 10 (§ 2.2-1000 et seq.) of Title 2.2 and Chapter 5 (§ 9.1-500 et seq.) of Title 9.1. The Fort
1937 Pickett Police Department shall be under the supervision of the Adjutant General, or his designee. The
1938 pay structure for the officers and supervisors of the Fort Pickett Police Department shall be the same as
1939 that set by the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services* for sheriffs'
1940 offices.

1941 § 46.2-416. Notice of suspension or revocation of license.

1942 A. Whenever it is provided in this title that a driver's license may or shall be suspended or revoked
1943 either by the Commissioner or by a court, notice of the suspension or revocation or any certified copy
1944 of the decision or order of the Commissioner may be sent by the Department by certified mail to the
1945 driver at the most recent address of the driver on file at the Department. If the driver has previously
1946 been notified by mail or in person of the suspension or revocation or of an impending suspension for
1947 failure to pay fines and costs pursuant to § 46.2-395, whether notice is given by the court or
1948 law-enforcement officials as provided by law, and the Department has been notified by the court that
1949 notice was so given and the fines and costs were not paid within 15 days, no notice of suspension shall
1950 be sent by the Department to the driver. If the certificate of the Commissioner or someone designated
1951 by him for that purpose shows that the notice or copy has been so sent or provided, it shall be deemed
1952 prima facie evidence that the notice or copy has been sent and delivered or otherwise provided to the
1953 driver for all purposes involving the application of the provisions of this title. In the discretion of the
1954 Commissioner, service may be made as provided in § 8.01-296, which service on the driver shall be
1955 made by delivery in writing to the driver in person in accordance with subdivision 1 of § 8.01-296 by a
1956 sheriff or deputy sheriff in the county or city in which the address is located, who shall, as directed by
1957 the Commissioner, take possession of any suspended or revoked license, registration card, or set of
1958 license plates or decals and return them to the office of the Commissioner. No such service shall be
1959 made if, prior to service, the driver has complied with the requirement which caused the issuance of the
1960 decision or order. In any such case, return shall be made to the Commissioner.

1961 B. In lieu of making a direct payment to sheriffs as a fee for delivery of the Department's processes,
1962 the Commissioner shall effect a transfer of funds, on a monthly basis, to the ~~Compensation Board~~
1963 *Director of the Department of Criminal Justice Services* to be used to provide additional support to
1964 sheriffs' departments. The amount of funds so transferred shall be as provided in the general
1965 appropriation act.

C. The Department may contract with the United States Postal Service or an authorized agent to use the National Change of Address System for the purpose of obtaining current address information for a person whose name appears in customer records maintained by the Department. If the Department receives information from the National Change of Address System indicating that a person whose name appears in a Department record has submitted a permanent change of address to the Postal Service, the Department may then update its records with the mailing address obtained from the National Change of Address System.

§ 51.1-138. Benefits.

A. Employees who become members under this article and on whose behalf contributions are paid as provided in this article shall be entitled to benefits under the retirement system.

B. By resolution legally adopted and approved by the Board, the employer may elect to provide benefits equivalent to those provided under the State Police Officers' Retirement System, as set out in Chapter 2 (§ 51.1-200 et seq.) of this title except for § 51.1-209, and except that the employer may elect to establish the retirement allowance pursuant to the allowance provided in clause (i) or (ii) in subsection A of § 51.1-206, in lieu of the benefits that would otherwise be provided hereunder for any employees who are employed in (i) law-enforcement positions comparably hazardous to that of a state police officer, including any sworn law-enforcement officer who has the duty and obligation to enforce the penal and traffic laws of this Commonwealth as directed by his superior officer, if so certified by his appointing authority, (ii) positions as full-time salaried fire fighters, (iii) positions as full-time salaried emergency medical technicians, or (iv) positions as regional jail superintendents and jail officers of regional jail farms, regional jails or jail authorities, as approved by the respective jail board or authority and by the participating political subdivisions of such entities. Sheriffs of political subdivisions and superintendents of regional jails which participate in the retirement system shall receive benefits equivalent to those of state police officers, except for the benefits provided under § 51.1-209, regardless of whether the employer has elected to provide equivalent benefits as set out in this subsection.

C. Each employer providing the benefits of subsection B for its employees prior to July 1, 1990, may elect to provide for the early retirement of employees as set forth in this subsection in lieu of the early retirement and death before retirement provisions of the State Police Officers' Retirement System. Such election must be made to the Board in writing prior to July 1, 1990. Any member in service on or after his fifty-fifth birthday with five or more years of creditable service (i) while earning the benefits permitted by this section, (ii) as a member in the retirement system established by Chapter 2 (§ 51.1-200 et seq.) of this title, or (iii) as a member in the retirement system established by Chapter 2.1 (§ 51.1-211 et seq.) of this title may retire upon written notification to the Board setting forth at what time the retirement is to become effective. The effective date shall be after his last day of service but shall not be more than 90 days prior to the filing of such notice. The member shall receive an allowance that shall be determined in the same manner as for retirement at an employee's normal retirement with creditable service and average final compensation being determined as of the date of his actual retirement. If the member has less than 30 years of service at retirement, the amount of the retirement allowance shall be reduced on an actuarial equivalent basis for the period by which the actual retirement date precedes the earlier of (a) the member's normal retirement date or (b) the first date on or after the member's fifty-fifth birthday on which the member would have completed a total of 30 years of creditable service. Effective December 31, 2003, any employee in service on June 30, 2002, and July 1, 2002, who is credited with five or more years of creditable service rendered under this chapter and earning the benefits permitted by this section, Chapter 2 (§ 51.1-200 et seq.), or Chapter 2.1 (§ 51.1-211 et seq.) of this title shall not be subject to the vesting requirements of this section, and §§ 51.1-205 and 51.1-216.

Members retiring under the provisions of this subsection shall be entitled to receive post-retirement supplements as provided in § 51.1-166. In computing the amount of any supplement, any additional allowances being paid under the provisions of subsection B of § 51.1-206 shall be disregarded. In the case of death before retirement, members whose employers elect to provide benefits in accordance with the provisions of this subsection and who have not attained the age of 50 on the date of death shall be assumed to be 50 years of age for the purposes of reducing the benefits on an actuarial equivalent basis.

D. Beginning July 1, 2008, each county and city participating in the Virginia Retirement System shall provide the benefit coverage described in subsection B to each deputy sheriff, regardless of whether the deputy sheriff's salary is funded or reimbursed in whole or in part by the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services*.

E. Notwithstanding the provisions of subsection C, beginning July 1, 2009, the City of Danville shall provide to each deputy sheriff the benefit coverage described in subsection B.

F. Beginning July 1, 2009, each regional jail board and regional jail authority participating in the Virginia Retirement System and each county and city participating in such board or authority shall provide the benefit coverage described in subsection B to each sworn officer of a regional jail, regardless of whether the regional jail officer's salary is funded or reimbursed in whole or in part by the

2027 ~~State Compensation Board~~ *Director of the Department of Criminal Justice Services.*

2028 G. Beginning July 1, 2010, any county or city that (i) participates in the Virginia Retirement System
 2029 pursuant to Chapter 1 (§ 51.1-124.1 et seq.), (ii) has in effect a retirement supplement for deputy sheriffs
 2030 (in addition to the annual retirement allowance provided under the Virginia Retirement System) that
 2031 exceeds the allowance set forth in subsection B of § 51.1-206 hereof, and (iii) provides the same level
 2032 of retirement benefits to all of its deputy sheriffs, may, by resolution legally adopted, elect to provide
 2033 the benefits coverage under subsection B hereof except for the allowance described in subsection B of
 2034 § 51.1-206. Notwithstanding any other provision of law, the additional costs of such election shall be
 2035 borne solely by such county or city.

2036 H. The retirement system shall not be liable for the payment of any retirement allowances or other
 2037 benefits on behalf of a member or beneficiary of a member for which reserves have not been previously
 2038 created from funds contributed by the employer or the members for such benefits.

2039 § 51.1-806. Reimbursement by Commonwealth for portion of employer contribution on account of
 2040 certain officers and employees.

2041 Any county or city operating a local retirement system which does not participate in the Virginia
 2042 Retirement System and which defines as "compensation" the full compensation payable or fees earnable
 2043 by its county and city treasurer, attorney for the Commonwealth, commissioner of the revenue, clerk of
 2044 court, sheriff, and a deputy or employee of any such officer may be reimbursed for a portion of the
 2045 employer contribution paid on behalf of any such officer, deputy, or employee. In such cases, the
 2046 political subdivision shall, at least biennially, submit to the ~~Compensation Board~~ (i) *the State*
 2047 *Comptroller for treasurers, commissioners of revenue, and attorneys for the Commonwealth, , (ii) the*
 2048 *Director of the Department of Criminal Justice Services for sheriffs, and (iii) the Executive Secretary of*
 2049 *the Supreme Court for clerks of court* information required by the Board's actuary for computing, at the
 2050 expense of the employing political subdivision, the employer contribution rate that would be applicable
 2051 if all such officers, deputies, or employees thereof were members of the Virginia Retirement System.
 2052 The Retirement Board shall compute the employer contribution rate on the assumption that no service
 2053 prior to the computation date was creditable, and no assets were allocable to such members. The
 2054 political subdivision shall be reimbursed by ~~the Compensation Board~~ *respective entity* on the basis on
 2055 which the Commonwealth pays the salaries of such officer, deputy, or employee or shares, or would
 2056 share, in the excess fees from the office.

2057 § 53.1-83.1. How state appropriations for operating costs of local correctional facilities determined.

2058 The Governor's proposed biennial budget bill shall include, for each fiscal year, an appropriation for
 2059 operating costs for local correctional facilities. The proposed appropriation shall include:

2060 1. An amount for compensating localities for the cost of maintaining prisoners arrested on state
 2061 warrants in local jails, regional jails and jail farms, at a specified rate per prisoner day;

2062 2. An amount for maintaining convicted state felons in local correctional facilities, at a specified rate
 2063 per felon day, pursuant to § 53.1-20.1;

2064 3. An amount to pay two-thirds of the salaries of medical and treatment personnel approved by the
 2065 ~~State Compensation Board~~ *Director of the Department of Criminal Justice Services*; and

2066 4. An amount to be set aside for unanticipated medical emergencies.

2067 § 53.1-84. State funds available to local correctional facilities for operating costs.

2068 ~~The Compensation Board~~ *Director of the Department of Criminal Justice Services* shall apportion
 2069 among local correctional facilities moneys appropriated in the general appropriation act for the purpose
 2070 of financial assistance for the confinement of persons in local facilities in accordance with reports of
 2071 prisoner days provided by the Department.

2072 The county or city receiving such funds or a combination of counties or cities or both receiving such
 2073 funds on behalf of a regional facility shall pay therefrom the operating costs of its local adult
 2074 correctional facilities and programs. Criminal costs prior to confinement shall be paid out of funds
 2075 appropriated pursuant to § 19.2-332.

2076 Regulations adopted by the Board to implement the provisions of §§ 53.1-84 through 53.1-86 shall
 2077 not be subject to legislative review as provided in § 2.2-4014. In the adoption of such regulations, the
 2078 Board shall comply with all other requirements of the Administrative Process Act (§ 2.2-4000 et seq.),
 2079 and in any subsequent amendments thereto shall comply with all the provisions of § 2.2-4012.

2080 § 53.1-85. Time and manner of payment.

2081 Notwithstanding any contrary provisions of this Code which provide for state reimbursement of
 2082 certain costs incurred by local correctional facilities, the time and manner of such payments shall be as
 2083 hereinafter prescribed.

2084 Each facility's apportionment pursuant to § 53.1-84 shall be paid by the ~~Compensation Board~~
 2085 *Director of the Department of Criminal Justice Services* to the responsible local governing body or fiscal
 2086 agent of such facility in quarterly installments beginning July, 1983.

2087 The amount of the quarterly installment for each facility will be the sum of the following:

2088 1. The number of state prisoner days registered by the facility in the preceding quarter, pursuant to

§ 53.1-121, times the specified rate per prisoner day;

2. The number of prisoner days registered for convicted state felons by the facility in the preceding quarter times the specified rate per felon day, pursuant to § 53.1-20.1; and

3. One-fourth of the annual cost for salaries and fringe benefits for medical and treatment personnel approved by the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services* pursuant to § ~~15.2-1636.7~~ *9.1-137.1*.

Funds held in the emergency reserve shall be distributed on the written authorization of the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services*. In the event of emergencies, the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services* may reallocate any portion of the reserve among individual facilities. Any balance remaining in the reserve at the close of the budgetary period shall revert to the general fund of the state treasury.

§ 53.1-94. Same when paid by county or city; same when by the Director of the Criminal Justice Services.

The circuit court, before certifying any allowance pursuant to § 53.1-93, shall inquire into the condition of the jail. If it appears that a guard was necessary because of the insecurity of the jail, it shall order the allowance to be certified to the governing body of the county or city. If otherwise, and the guard was necessary, the allowance shall be paid out of the budget of the sheriff as approved by the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services*.

§ 53.1-95.8:1. Handling of funds for regional correctional facility; county or city treasurer or director of finance as fiscal agent.

Any authority constituted pursuant to the provisions of this article or Article 1.1 (§ 53.1-71.1 et seq.) may appoint as its fiscal agent the treasurer of a county or city which is a member of the authority, or in the case of member jurisdictions where there is no treasurer, the director of finance. No treasurer or director of finance shall be appointed as fiscal agent without their concurrence. In the event such treasurer or director of finance is appointed, all disbursements on behalf of the authority shall be by warrant signed by the chairman of the authority or his designee and countersigned by such treasurer or director of finance as fiscal agent. For his services as fiscal agent, a treasurer or director of finance thus appointed may be paid such salary supplement and reimbursed such expenses as may be agreed upon by the board of the authority and the treasurer or director of finance. Such salary supplement and expenses shall be borne exclusively by the authority and not by the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services*.

§ 53.1-95.19. State reimbursement.

An authority created pursuant to this article shall be eligible to receive state reimbursement for jail construction and operation in accordance with the provisions of Article 3 (§ 53.1-80 et seq.) of this chapter. State reimbursement for the cost of the project shall be made to the authority and shall be determined as if each participating political subdivision in the authority had contributed its pro rata share of such cost. However, when an authority created pursuant to this article enters into an agreement with one or more political subdivisions not participating in the authority for the purpose of construction and operating a jail, that share of the state reimbursement due to any political subdivision not participating in the authority shall be made directly to such political subdivision in accordance with the provisions of Article 3 of this chapter. The Commonwealth shall fund the positions of superintendent, correctional officers, and two-thirds of the salaries of required medical or treatment personnel on a basis approved by the ~~State Compensation Board~~ *Director of the Department of Criminal Justice Services*. Such salaries shall be paid in the manner provided in § 15.2-1609.2, and such section shall be applicable mutatis mutandis to such superintendent.

The superintendent of the correctional facility shall report on the first day of each month to the Director of the State Department of Corrections to give the record of each prisoner received during the preceding month on blank forms to be furnished by the Director, to state whether the offense for each prisoner is for violation of state law or of city or town ordinance. The report shall be signed by both the superintendent and chairman of the authority. Either signer found guilty of willfully falsifying the information contained in such report shall be guilty of a Class 1 misdemeanor.

If any superintendent fails to send such report within five days after the date when the report is to be forwarded, the Director shall notify the superintendent of such failure. If the superintendent fails to make the report within ~~ten~~ 10 days from that date, then the Director shall cause the report to be prepared from the books of the superintendent and shall certify the cost thereof to the Comptroller. The Comptroller shall issue his warrant on the Treasurer for that amount, deducting the same from any funds that may be due the superintendent by the Commonwealth.

§ 53.1-109.1. Handling of funds for regional jail or jail farm; county or city treasurer or director of finance as fiscal agent.

Any regional jail or jail farm constituted pursuant to the provisions of this article may appoint as its fiscal agent the treasurer of a county or city which is a member of the board of the jail or jail farm, or

2150 in a member jurisdiction where there is no treasurer, the director of finance. No treasurer or director of
2151 finance shall be appointed fiscal agent without their concurrence. In the event such treasurer or director
2152 of finance is appointed, all disbursements on behalf of the jail or jail farm shall be by warrant signed by
2153 the chairman of the board of the jail or jail farm or his designee and countersigned by such treasurer or
2154 director of finance as fiscal agent. For his services as fiscal agent, a treasurer or director of finance thus
2155 appointed may be paid such salary supplement and reimbursed such expenses as may be agreed upon by
2156 the board of the jail or jail farm and the treasurer or director of finance. Such salary supplement and
2157 expenses shall be borne exclusively by the regional jail or jail farm and not by the ~~Compensation Board~~
2158 *Director of the Department of Criminal Justice Services*.

2159 § 53.1-115.1. Superintendents of regional jails and regional jail-farms to make daily reports to the
2160 Director of the Department of Criminal Justice Services.

2161 The superintendent of every regional jail and every regional jail-farm shall report each day to the
2162 ~~Compensation Board~~ *Director of the Department of Criminal Justice Services*, giving the record of each
2163 prisoner received during the preceding day in an electronic format approved by the ~~Compensation Board~~
2164 *Director of the Department of Criminal Justice Services*, stating whether the offense for each prisoner is
2165 for violation of state law or of a city or town ordinance. The computer-generated report shall be
2166 authenticated by both the superintendent and chairman of the regional jail-farm board. Either person who
2167 authenticates such report and willfully falsifies the information contained in such report is guilty of a
2168 Class 1 misdemeanor.

2169 If any superintendent fails to send such report, the ~~Compensation Board~~ *Director of the Department*
2170 *of Criminal Justice Services* shall notify the superintendent of such failure. If the superintendent fails to
2171 make the report within ten 10 days, then the ~~Compensation Board~~ *Director of the Department of*
2172 *Criminal Justice Services* shall cause the report to be prepared from the books of the superintendent and
2173 shall certify the cost thereof to the Comptroller. The Comptroller shall issue his warrant on the Treasurer
2174 for that amount, deducting the same from any funds that may be due the superintendent by the
2175 Commonwealth.

2176 § 53.1-120. Sheriff to provide for courthouse and courtroom security; designation of deputies for such
2177 purpose; assessment.

2178 A. Each sheriff shall ensure that the courthouses and courtrooms within his jurisdiction are secure
2179 from violence and disruption and shall designate deputies for this purpose. A list of such designations
2180 shall be forwarded to the Director of the Department of Criminal Justice Services.

2181 B. The chief circuit court judge, the chief general district court judge and the chief juvenile and
2182 domestic relations district court judge shall be responsible by agreement with the sheriff of the
2183 jurisdiction for the designation of courtroom security deputies for their respective courts. If the
2184 respective chief judges and sheriff are unable to agree on the number, type and working schedules of
2185 courtroom security deputies for the court, the matter shall be referred to the ~~Compensation Board~~
2186 *Director of the Department of Criminal Justice Services* for resolution in accordance with existing
2187 budgeted funds and personnel.

2188 C. The sheriff shall have the sole responsibility for the identity of the deputies designated for
2189 courtroom security.

2190 D. Any county or city, through its governing body, may assess a sum not in excess of \$10 as part of
2191 the costs in each criminal or traffic case in its district or circuit court in which the defendant is
2192 convicted of a violation of any statute or ordinance. If a town provides court facilities for a county, the
2193 governing body of the county shall return to the town a portion of the assessments collected based on
2194 the number of criminal and traffic cases originating and heard in the town. The imposition of such
2195 assessment shall be by ordinance of the governing body that may provide for different sums in the
2196 circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the
2197 case is heard, remitted to the treasurer of the appropriate county or city and held by such treasurer to be
2198 appropriated by the governing body to the sheriff's office. The assessment shall be used solely for the
2199 funding of courthouse security personnel, and, if requested by the sheriff, equipment and other personal
2200 property used in connection with courthouse security.

2201 § 53.1-121. Sheriffs to make daily reports to Director of the Department of Criminal Justice Services;
2202 failure to send report.

2203 The sheriff shall report each day to the ~~Compensation Board~~ *Director of the Department of Criminal*
2204 *Justice Services*, giving the record of each prisoner received during the preceding day in an electronic
2205 format approved by the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services*,
2206 stating whether the offense is for violation of state law or of city or town ordinance.

2207 If any sheriff fails to send such report, the ~~Compensation Board~~ *Director of the Department of*
2208 *Criminal Justice Services* shall notify the sheriff of such failure. If the sheriff fails to make the report
2209 within ten 10 days, then the ~~Compensation Board~~ *Director of the Department of Criminal Justice*
2210 *Services* shall cause the report to be prepared from the books of the sheriff and shall certify the cost
2211 thereof to the Comptroller. The Comptroller shall issue his warrant on the Treasurer for that amount,

deducting the same from any funds that may be due the sheriff by the Commonwealth.

The computer-generated report shall be authenticated by both the chief jailer and the sheriff who shall certify the accuracy of the report. Either authenticator found guilty of willfully falsifying the information contained in such report shall be guilty of a Class 1 misdemeanor.

§ 53.1-125. Failure of sheriffs or jail superintendents to comply with requirements of board; filing of complaint; withholding salary.

If any sheriff or jail superintendent through his default or neglect fails to comply with the requirements of the Board in the operation and management of any jail under his control or management, the Board shall file a complaint with the circuit court of the county or city in which such jail is located, giving ~~ten~~ 10 days' notice to the sheriff or jail superintendent that on a date fixed in the notice the court will conduct a hearing on the complaint. If the court is of the opinion that the complaint is justified, it shall enter an order directing the ~~State Compensation Board~~ *Director of the Department of Criminal Justice Services* to withhold approval of the payment of any further salary to the sheriff or jail superintendent until there has been compliance with specified requirements of the Board. If the court is of the opinion that the charges are unfounded, the complaint shall be dismissed.

§ 53.1-131.1. Provision for sentencing of person to nonconsecutive days in jail; payment to defray costs; penalty.

Any court having jurisdiction for the trial of a person charged with a misdemeanor or traffic offense or charged with any offense under Chapter 5 (§ 20-61 et seq.) of Title 20 may, if the defendant is convicted and sentenced to confinement in jail, impose the time to be served on weekends or nonconsecutive days to permit the convicted defendant to retain gainful employment. A person sentenced pursuant to this section shall pay an amount to defray the cost of his keep, which amount shall be the actual cost of incarceration but shall not exceed that amount charged to the ~~Compensation Board~~ *Director of the Department of Criminal Justice Services* for purposes of reimbursement as provided in the general appropriation act. Such amount shall be collected by the sheriff, if he is responsible for operating a jail, or by the regional jail superintendent, and remitted by the sheriff to the treasurer of the appropriate county or city, or by the regional jail superintendent to the regional jail board or authority, solely for the purposes of defraying the costs of such weekend or nonconsecutive incarceration. The funds collected pursuant to this section shall not be used for purposes other than those provided for in this section. The assessment provided for herein shall be in addition to any other fees prescribed by law. If the defendant willfully fails to report at times specified by the court, the sentence imposed pursuant to this section shall be revoked and a straight jail sentence imposed.

If an offender who has been sentenced to nonconsecutive days by the court is in violation of the rules of the jail pursuant to § 53.1-117, the sheriff or jail administrator may require the offender to serve out a portion or the entirety of the remainder of his sentence in consecutive days. Upon revoking the offender's ability to serve his sentence on nonconsecutive days, the sheriff or jail administrator shall notify in writing the court that sentenced the offender and indicate the specific violations that led to the decision.

The time served by a person sentenced for violation of state law in a local jail, regional jail, or local jail farm pursuant to this section shall be included in the count of prisoner days reported by the Department for the purpose of apportioning state funds to local correctional facilities for operating costs in accordance with § 53.1-84.

§ 53.1-218. Duty of officer in charge to inquire as to citizenship; notice to federal immigration officer of commitment of alien.

Whenever any person is committed to a correctional facility the director, sheriff or other officer in charge of such facility shall inquire as to whether the person (i) was born in a country other than the United States, and (ii) is a citizen of a country other than the United States. The director, sheriff or other officer in charge of such facility shall make an immigration alien query to the Law Enforcement Support Center of the United States Immigration and Customs Enforcement for any person who (i) was born in a country other than the United States, and (ii) is a citizen of a country other than the United States, or for whom the answer to (i) or (ii) is unknown.

In the case of a jail, the sheriff or other officer in charge of such facility shall communicate the results of any immigration alien query to the Local Inmate Data System of the ~~State Compensation Board~~ *Director of the Department of Criminal Justice Services*. The ~~State Compensation Board~~ *Director* shall communicate, on a monthly basis, the results of any immigration alien query that results in a confirmation that the person is illegally present in the United States to the Central Criminal Records Exchange of the Department of State Police in a format approved by the Exchange.

In the case of a correctional facility of the Department of Corrections, the director or other officer in charge of such facility shall communicate the results of any immigration alien query that results in a confirmation that the person is illegally present in the United States to the Central Criminal Records Exchange of the Department of State Police in a format approved by the Exchange.

2273 The information received by the Central Criminal Records Exchange concerning the person's
2274 immigration status shall be recorded in the person's criminal history record.

2275 However, notification need not be made to the Central Criminal Records Exchange if it is apparent
2276 that a report on alien status has previously been made to the Exchange pursuant to § 19.2-83.2 or
2277 19.2-294.2.

2278 § 58.1-3106. How compensation of commissioners paid; when compensation withheld.

2279 A. All compensation payable to a commissioner of the revenue shall be paid pursuant to
2280 § 15.2-1636.13.

2281 B. The compensation allowed to a commissioner shall not be paid unless he has punctually
2282 performed his duties in reference to the assessment of property and licenses and has made all reports
2283 required within the time prescribed by law or can show to the satisfaction of the Department of Taxation
2284 a sufficient reason for his delay.

2285 § 63.2-311. Fiscal officer for district board; compensation of such officer.

2286 Whenever two or more political subdivisions establish a district pursuant to § 63.2-306 there shall be
2287 appointed a district fiscal officer for such district board. The district fiscal officer shall perform all the
2288 fiscal functions for the district board that had been previously performed for the local board by the
2289 treasurer or other fiscal officer of each locality within the district. The district fiscal officer for such
2290 district board shall be the treasurer of one of the participating counties or cities or combination of
2291 counties and cities, as mutually agreed upon by the district board with the approval of the governing
2292 bodies. In the event the local authorities cannot agree on the selection of a district fiscal officer, the
2293 Commissioner shall designate such district fiscal officer. For his services as district fiscal officer, the
2294 treasurer shall be paid such salary as may be agreed upon by the district board. In the event the district
2295 board and the treasurer so designated cannot agree on such compensation, then the amount of salary to
2296 be paid shall be determined by a court of competent jurisdiction and the amount so fixed by the judge
2297 shall be binding upon both the treasurer and the district board. Provided, that nothing contained in this
2298 section shall affect the regular salary or expense allowance of the treasurer as fixed annually by the
2299 ~~State Compensation Board~~ *State Comptroller*.

2300 § 63.2-525. Payment by Department for legal services.

2301 Notwithstanding any provision of §§ 2.2-2814, 2.2-2815, 2.2-2816, 2.2-2823, 2.2-2824, 2.2-2825 or
2302 §—2.2-2826 to the contrary, whenever there shall be authorized by law an assistant attorney for the
2303 Commonwealth and such assistant's duties consist of the prosecution of public assistance fraud cases
2304 pursuant to §§ 18.2-95, 18.2-96, 63.2-502, 63.2-513, 63.2-522, 63.2-523 or §—63.2-524, the Department
2305 may, with the consent of the attorney for the Commonwealth of the jurisdiction, contract with the
2306 county or city or combination thereof for whom such assistant attorney for the Commonwealth is
2307 authorized regarding the duties of such assistant and regarding the payment by the Department of the
2308 entire salary, expenses, including secretarial services, and allowances of such assistant, as shall be
2309 approved by the ~~Compensation Board~~ *State Comptroller*, for the entire time devoted to these duties. Any
2310 such contract may provide that the county, city, or combination thereof shall pay the entire amount of
2311 such salary, expenses, and allowances and that the Department shall reimburse such county or city
2312 therefor. The amount of such salary, expenses, and allowances shall be set by the ~~Compensation Board~~
2313 *State Comptroller* as provided by law.

2314 § 63.2-1948. Payment by Department for legal services.

2315 Notwithstanding any provision of §§ 2.2-2814, 2.2-2815, 2.2-2816, 2.2-2823, 2.2-2824, 2.2-2825 or
2316 §—2.2-2826 to the contrary, whenever there shall be authorized by law an attorney for the
2317 Commonwealth, the Department may contract with the county or city or combination thereof for whom
2318 such attorney for the Commonwealth is authorized regarding the payment by the Department of the
2319 salary, expenses, including secretarial services, and allowances or part thereof of such attorney, as shall
2320 be approved by the ~~Compensation Board~~ *State Comptroller*, for the entire time devoted to these duties.
2321 Any such contract may provide that the county, city or combination thereof shall pay such salary,
2322 expenses and allowances and that the Department shall reimburse such county or city therefor. The
2323 amount of such salary, expenses and allowances shall be set by the ~~Compensation Board~~ *State*
2324 *Comptroller* as provided by law.

2325 Whenever there is in any county or city a county attorney or city attorney whose duties consist of
2326 legal services with respect to the provisions of this chapter, the Department may contract with such
2327 county or city regarding the duties of such county or city attorney and regarding payment by the
2328 Department of the salary, expenses, including secretarial services, and allowances or part thereof of such
2329 attorney for the time devoted to these duties. Any such contract may provide that the county or city
2330 shall pay such salary, expenses and allowances and that the Department shall reimburse such county or
2331 city therefor.

2332 **2. That Article 6.1 (§§ 15.2-1636.1 through 15.2-1636.20) of Chapter 16 of Title 15.2 of the Code**
2333 **of Virginia is repealed.**

2334 **3. That the provisions of this act abolish the State Compensation Board and assign its duties**

2335 pertaining to constitutional officers as follows: (i) for sheriffs, to the Director of the Department of
2336 Criminal Justice Services, (ii) for treasurers, commissioners of revenue, and attorneys for the
2337 Commonwealth, to the Comptroller, and (iii) for clerks of circuit court, to the Executive Secretary
2338 of the Supreme Court.
2339 4. That all rules and regulations adopted by the State Compensation Board that are in effect as of
2340 the effective date of this act shall remain in full force and effect until altered, amended, or
2341 rescinded by the Comptroller, the Director of the Department of Criminal Justice Services, or the
2342 Executive Secretary of the Supreme Court.

INTRODUCED

HB1259