

## Department of Planning and Budget 2014 Fiscal Impact Statement

**1. Bill Number:** HB248

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

**2. Patron:** Surovell

**3. Committee:** Courts of Justice

**4. Title:** Special counsel; cap on compensation paid to those appointed to handle certain legal matters.

**5. Summary:** Employment of special counsel; fees. Imposes a cap on the compensation that may be paid to a special counsel appointed to handle certain legal matters where it would be improper or uneconomical for the Attorney General, or the Attorney General is unable, to handle such matters. The cap is set at the same amount allowed for a court-appointed attorney defending a felony charge that may be punishable by incarceration for a period of more than 20 years.

**6. Budget Amendment Necessary:** Yes. See Item 8.

**7. Fiscal Impact Estimates:** See Item 8.

**8. Fiscal Implications:** The legislation proposes to limit the amount paid to special counsel working for the state to the amounts set for counsel defending indigent clients. The Office of the Attorney General (OAG) has indicated that it may be difficult to find an attorney willing to work at the proposed rates and the OAG would need to expand to fulfill agency needs should the Commonwealth be priced out of virtually all private attorneys. This would result into a significant increase in costs to provide additional legal services.

**9. Specific Agency or Political Subdivisions Affected:** The Office of the Attorney General and Department of Law.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.