

Department of Planning and Budget 2014 Fiscal Impact Statement

1. **Bill Number:** SB443H1

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

2. **Patron:** Norment

3. **Committee:** House Appropriations

4. **Title:** Number of circuit and district court judges

5. **Summary:** Increases and decreases the number of circuit, general district, and juvenile court judges authorized for each judicial circuit and district utilizing recommendations from the study report issued by the National Center for State Courts.

6. **Budget Amendment Necessary:** Yes, Items 39, 40 and 41

7. **Fiscal Impact Estimates:** Preliminary (see Item #8)

8. **Fiscal Implications:** Under the proposed legislation, the number of authorized circuit court, general district court and juvenile and domestic relations court judges would either increase or decrease based on the recommendation from the National Center for State Courts (NCSC) weighted caseload study, report dated November 15, 2013.

Currently, § 16.1-69.6.1 (district) and § 17.1-507 (circuit) of the Code of Virginia authorizes a total of 402 judgeships as shown in the table below:

<i>Court</i>	<i>Number authorized judgeships</i>
Circuit	158
General District	127
Juvenile and Domestic Relations	117
<i>Total</i>	402

As of January 15, 2014, there were 44 current or announced judgeship vacancies. Since the Governor's introduced budget eliminated the requirement for the judiciary to revert judgeship savings back to the general fund, there is sufficient existing appropriation in the budgets of the court system to fill the currently authorized vacant judgeships.

The NCSC report concluded 429 total judgeships are needed to meet the workload requirements of the court system. Although the report showed judgeships should be increased in some judicial districts/circuits and decreased in others, according to the Office of the Executive Secretary of the Supreme Court, a net increase of 27 judgeships is needed. For

each of the 27 judgeships that are filled, the cost would be \$284,047 for each circuit court judgeship and \$259,369 for each general district court and juvenile and domestic relations court judgeship. Judgeship costs include salary, fringe benefits, substitute judge costs and office expenses.

The substitute bill reduces and increases judgeships across the court system from the number of judgeships authorized in the Code to the following:

Court	# of authorized judgeships	# of authorized judgeships if substitute is adopted
General District	127	113
Juvenile and Domestic Relations	117	119
Circuit	158	156
Total ALL COURTS	402	388

Note: Some of the reductions in the total number of judgeships are not realized until the death, resignation or retirement of an incumbent judge.

The substitute legislation, however, includes "exceptions" to the authorized number of judgeships (17.1-507.C.2 through C.23). These exceptions could temporarily increase the total number of authorized judgeships to 411.

Lastly, according to the Executive Secretary of the Supreme Court, the substitute bill will have an expenditure fiscal impact as most of the data sought by enactment clause 24 is not currently captured by courts. The amount of this fiscal impact cannot be determined as it would be based on the additional data and analysis required to meet the provisions of the bill.

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

10. Technical Amendment Necessary: No

11. Other Comments: None

RMT