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SENATE JOINT RESOLUTION NO. 51
AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules
on February 5, 2016)

(Patron Prior to Substitute—Senator Dance)

Directing the Virginia State Crime Commission to study the feasibility and costs of establishing a comprehensive indigent defense system at the appellate level in the Commonwealth. Report.

WHEREAS, in 1920, the Virginia General Assembly first determined the need for more adequate defense of indigents in the Commonwealth, but it was not until 1972 that the Virginia Public Defender Commission (now the Virginia Indigent Defense Commission) was established and the General Assembly established the first public defender offices; and

WHEREAS, public defender offices currently exist in some jurisdictions of the Commonwealth but not in others; and

WHEREAS, it is imperative to evaluate the disparity in services and resources between those jurisdictions that have public defender offices and those that do not; and

WHEREAS, in the past, the General Assembly has studied various issues associated with indigent defense but never the feasibility of a statewide public defender system with an appellate defender and post-conviction unit; and

WHEREAS, it is necessary to study the amount and sources of funds that the judicial branch brings into the state budget, as well as other sources of funds such as court costs and split recovery for punitive damages, as potential sources of funds to establish and maintain a statewide public defender system; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia State Crime Commission be directed to study the feasibility and costs of establishing a comprehensive indigent defense system at the appellate level in the Commonwealth and potential sources of funds for a statewide public defender system with an appellate defender and post-conviction unit. In conducting its study, the Virginia State Crime Commission shall focus on three broad areas: the feasibility of a statewide system and how best to establish and maintain such a system; the costs to establish and maintain a statewide system, including identification of potential sources of funds; and the disparities that exist as a result of the existing system, including whether those disparities warrant the establishment of a statewide public defender system at the appellate level.

All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Commission shall complete its meetings by November 30, 2016, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2017 Regular Session of the General Assembly. The executive summary shall state whether the Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.