

Department of Planning and Budget
2016 Fiscal Impact Statement

1. Bill Number: HB 96

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

2. Patron: Lingamfelter

3. Committee: House Courts of Justice

4. Title: Problem-solving courts

5. Summary:

The proposed legislation authorizes the establishment of local “problem-solving” courts. These courts are defined as specialized criminal court dockets for defendants who are Virginia veterans, members of the Virginia National Guard, and Virginia residents in the Armed Services Reserves and those who have been determined to have addiction, issues stemming from military service, mental illness, societal reentry difficulties, or other problems. No adult or juvenile defendant who had been convicted of a violent criminal offense within the preceding 10 years would be eligible to participate in a problem-solving court.

The purpose of a problem-solving court would be to provide for the defendant treatment and rehabilitative services; intensive supervision; frequent alcohol and drug testing, where applicable; and coordination of services instead of incarceration. An important aspect of a problem-solving court would be “ongoing judicial interaction” with participants.

The legislation requires the establishment of a state problem-solving court docket advisory committee, chaired by the Chief Justice of the Supreme Court of Virginia. Any jurisdiction desiring to establish a problem-solving court would be required to establish a local problem-solving court advisory committee. Before a local problem-solving court could be established, the local advisory committee would have to complete a planning process recognized by the state advisory committee. Administrative oversight of the problem-solving courts would be the responsibility of the Supreme Court.

6. Budget Amendment Necessary: No.

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

8. Fiscal Implications:

According to the Office of the Executive Secretary of the Supreme Court, it can implement the provisions of the legislation with its current resources.

For the problem-solving courts to function as proposed they will need case managers and defendants will need to have access to treatment and rehabilitative programs. Although the legislation does not address who will be responsible for these costs, it is assumed that they will be borne by the jurisdictions establishing the problem-solving courts. The legislation also refers to intensive offender supervision and frequent substance abuse testing. These components will increase the workloads and costs of both state probation and parole district offices and local probation offices. Because there is no information available concerning the number of problem-solving courts that may be established or the potential caseloads, these additional costs cannot be projected.

9. Specific Agency or Political Subdivisions Affected:

Supreme Court of Virginia
Commonwealth's Attorneys
Office of the Executive Secretary of the Supreme Court
Department of Corrections
Circuit and district courts
Local probation offices

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/3/2016

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