

Department of Planning and Budget 2018 Fiscal Impact Statement

1. Bill Number: SB939 ES1

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

2. Patron: Stuart

3. Committee: Courts of Justice

4. Title: Retired circuit court judges, Court of Appeals judges, Supreme Court justices under recall.

5. Summary: Under the proposed legislation, The Chief Justice of the Supreme Court may call upon judge of a circuit court who is retired under the Judicial Retirement System and who has been found qualified within the preceding three years by the Senate and House Committees for Courts of Justice to sit in recall. The bill removes the requirement that a retired justice of the Supreme Court or judge of the Court of Appeals recalled to active service be furnished with an office, office supplies, and stenographer while performing such active service. The also provides that any chief judge or judge of the Court of Appeals who is retired under the Judicial Retirement System is subject to recall with the consent of a majority of the members of the court. The bill allows the Chief Justice of the Supreme Court to call upon and authorize any judge of a circuit court whose retirement becomes effective during the interim period between regularly scheduled sessions of the General Assembly to sit in recall either to (i) hear a specific case or cases as a substitute judge for the duration of the case or cases, or (ii) perform, for no longer than 90 days at any one time, judicial duties in any circuit court deemed necessary by the Chief Justice. The engrossed bill clarifies that senior justices and senior judges who are recalled shall have all the powers, duties, and privileges of the positions for which they are recalled to serve.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

8. Fiscal Implications: This bill does not materially affect how recalled judges are appointed and, therefore, is not expected to have fiscal impact on courts. The legislation no longer requires courts to provide office, office supplies and other resources to a retired justice of the Supreme Court or judge of the Court of Appeals who is recalled to active service. There may be some savings to courts as a result of this provision, however, the savings is expected to be negligible.

9. Specific Agency or Political Subdivisions Affected: None

10. Technical Amendment Necessary: None

11. Other Comments: None