

Department of Planning and Budget

2021 Special Session I Fiscal Impact Statement

1. **Bill Number:** SB1226E

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

2. **Patron:** Boysko

3. **Committee:** Senate Finance and Appropriations

4. **Title:** Compensation Board determining staffing and salaries for an attorney for the Commonwealth.

5. **Summary:** The proposed bill provides that the Compensation Board shall consider workload totals comprehensively, including the use of diversion programs and specialty dockets, when determining staffing and funding levels for an attorney for the Commonwealth and the office.

6. **Budget Amendment Necessary:** Yes, Item 75

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

8. **Fiscal Implications:** The proposed bill amends §15.2-1626, Code of Virginia, to require the Compensation Board to consider workload totals comprehensively, including the use of diversion programs and specialty dockets, when determining staffing and funding levels.

Currently, the Compensation Board utilizes approved staffing standards to identify total positions due for funding by the Commonwealth across all Commonwealth's Attorneys' offices for Assistant Commonwealth's Attorneys and administrative/paralegal support staff. When positions are funded by the General Assembly, the Compensation Board uses staffing standards and allocation ranking methodologies to allocate the positions across Commonwealth's Attorneys' offices. In order to consider comprehensively all workload in Commonwealth's Attorneys' offices, including implementation of diversion programs and participation in specialty dockets, the Compensation Board would need to work with Commonwealth's Attorneys to conduct a comprehensive review and determination of office workload and the impact on resource needs. Compensation Board staff has been working with a committee of the Virginia Association of Commonwealth's Attorneys to discuss a comprehensive review of office workload, including consideration of alternative approaches to traditional prosecution of felonies such as diversion programs and specialty courts/dockets. However, due to complications presented by the current health pandemic and abnormal workloads, the Compensation Board estimates it would need one-time funding in FY 2022 of up to \$300,000 to contract for the completion of a full weighted caseload study in order to meet the requirements of the bill. The completion of a full weighted caseload study in FY22 would allow for the implementation of the new standards in FY 2023.

The provisions of this bill do not become effective unless an appropriation effectuating the bill purposes is included in a general appropriation act passed in 2021 by the General Assembly that becomes law

9. **Specific Agency or Political Subdivisions Affected:** Compensation Board, and Commonwealth's Attorneys'

10. Technical Amendment Necessary: No

11. Other Comments: None