

# GENERAL ASSEMBLY OF VIRGINIA -- 1995 SESSION

ENROLLED

## HOUSE JOINT RESOLUTION NO. 509

*Establishing a joint subcommittee to study court-appointed counsel fees.*

Agreed to by the House of Delegates, February 4, 1995

Agreed to by the Senate, February 21, 1995

WHEREAS, although the entire criminal justice system is suffering from a lack of adequate resources, the current level of funding for indigent defense has reached a crisis level which threatens such defendants' constitutional right to counsel; and

WHEREAS, increases in the number of indigent defendants over the last 10 years has far outrun any increases in defense funding — in 1982, 48 percent of all state felony defendants were indigent. By 1994, the percentage was probably closer to 80 percent; and

WHEREAS, state legislatures, Virginia's among them, have spent the last 10 years increasing the severity of sentences, creating new crimes, and imposing mandatory minimum sentences, all of which have depleted the time and money available for indigent defense; and

WHEREAS, inadequate compensation can lead to ineffective case preparation, witness consultation and investigation, and certainly inadequate funding of indigent defense programs provides little training opportunities for defense counsel; and

WHEREAS, court-appointed counsel is often compensated at extremely low levels often resulting in the most qualified attorneys refusing to accept court-appointed criminal defense cases while the compensation for attorneys accepting appointments as guardians ad litem is not limited; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the compensation of court-appointed counsel for indigent defendants, including alternative revenue resources (e.g., cost recovery and recoupment, assessments on criminal filings, civil asset for forfeiture, federal grants).

The joint subcommittee shall consist of the following members: four members of the House of Delegates to be appointed by the Speaker of the House, and three members of the Senate to be appointed by the Senate Committee on Privileges and Elections.

The direct costs of this study shall not exceed \$4,200.

The Division of Legislative Services shall provide staff support for the study. Technical assistance shall be provided by the Public Defender Commission and the Office of the Executive Secretary of the Supreme Court.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1996 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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