

# VIRGINIA ACTS OF ASSEMBLY -- 1996 SESSION

## CHAPTER 561

*An Act to amend and reenact §§ 15.1-50.3 and 15.1-821.1 of the Code of Virginia, relating to full-time Commonwealth's attorneys.*

[H 1540]

Approved April 3, 1996

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.1-50.3 and 15.1-821.1 of the Code of Virginia are amended and reenacted as follows:**

§ 15.1-50.3. Part-time attorneys for the Commonwealth in certain counties may seek full-time status.

A. Notwithstanding §§ 14.1-53 and 15.1-50.1, any attorney for the Commonwealth for a county ~~with a population in excess of 10,000~~ may, with the consent of the Compensation Board, elect to devote full time to the duties of attorney for the Commonwealth at a salary equal to that for an attorney for the Commonwealth in a county with a population of more than 35,000. Such an election and consent by the Compensation Board shall be binding on the attorney for the Commonwealth and on successors in the office.

B. The Compensation Board shall prepare a list of localities eligible to have a full-time attorney for the Commonwealth and shall prioritize the list according to the following factors: three-year average arrest figures; three-year average weighted arrest figures; caseload figures for the circuit court and all lower courts of the jurisdiction as compiled by the Supreme Court; the presence in the locality of penal institutions, mental health institutions, and colleges and universities; the transient population figures; the proximity of the jurisdiction to a large urban area; and any other factors deemed pertinent by the Compensation Board.

C. (i) As used in this section, "arrests" means the total number of criminal arrests reported by the Department of State Police from data compiled for the Uniform Crime Report, and "weighted arrests" means the average for the immediately preceding three years of the sum derived from a formula which assigns values to the actual number of arrests as follows: murder, thirty; manslaughter, forcible rape, robbery and aggravated assault, fifteen; felonious possession, sale or manufacture of Schedule I or II controlled substances, burglary, forgery and motor vehicle theft, five; embezzlement, four and six-tenths; purchase or receipt of stolen property, three and one-half; larceny, two and six-tenths; fraud, two; and all other felonies and all misdemeanors other than traffic offenses, one and two-tenths.

(ii) ~~In determining the population for any locality of any officer electing to devote full-time to the duties of the attorney for the Commonwealth, the Compensation Board shall use the most recent population estimate from the United States Bureau of the Census, or the Center for Public Service of the University of Virginia, available when fixing the officers annual budget and shall adjust such population estimate, when applicable, for an annexation or consolidation order by a court when such order becomes effective.~~

D. Upon electing to become a full-time attorney for the Commonwealth and upon receiving additional funding of such office by the Compensation Board, the attorney for the Commonwealth shall not thereafter engage in the private practice of law. No such election shall become effective until the July 1 immediately following the date of election, or until another date as agreed upon by the attorney for the Commonwealth and the Compensation Board.

E. The Compensation Board shall fund such additional full-time offices of the attorney for the Commonwealth according to the priority list established in subsection B of this section, subject to appropriations by the General Assembly.

§ 15.1-821.1. Part-time attorneys for the Commonwealth in certain cities may seek full-time status.

A. Notwithstanding §§ 14.1-53 and 15.1-821, any attorney for the Commonwealth for a city ~~with a population in excess of 10,000~~ may, with the consent of the Compensation Board, elect to devote full time to the duties of attorney for the Commonwealth at a salary equal to that for an attorney for the Commonwealth in a city with a population of more than 35,000. Such an election and consent by the Compensation Board shall be binding on the attorney for the Commonwealth and on successors in the office.

B. The Compensation Board shall prepare a list of localities eligible to have a full-time attorney for the Commonwealth and shall prioritize the list according to the following factors: three-year average arrest figures; three-year average weighted arrest figures; caseload figures for the circuit court and all lower courts of the jurisdiction as compiled by the Supreme Court; the presence in the locality of penal institutions, mental health institutions, and colleges and universities; the transient population figures; the proximity of the jurisdiction to a large urban area; and any other factors deemed pertinent by the Compensation Board.

C. (i) As used in this section, "arrests" means the total number of criminal arrests reported by the

Department of State Police from data compiled for the Uniform Crime Report, and "weighted arrests" means the average for the immediately preceding three years of the sum derived from a formula which assigns values to the actual number of arrests as follows: murder, thirty; manslaughter, forcible rape, robbery and aggravated assault, fifteen; felonious possession, sale or manufacture of Schedule I or II controlled substances, burglary, forgery and motor vehicle theft, five; embezzlement, four and six-tenths; purchase or receipt of stolen property, three and one-half; larceny, two and six-tenths; fraud, two; and all other felonies and all misdemeanors other than traffic offenses, one and two-tenths.

(ii) ~~In determining the population for any locality of any officer electing to devote full-time to the duties of the attorney for the Commonwealth, the Compensation Board shall use the most recent population estimate from the United States Bureau of the Census, or the Center for Public Service of the University of Virginia, available when fixing the officers annual budget and shall adjust such population estimate, when applicable, for an annexation or consolidation order by a court when such order becomes effective.~~

D. Upon electing to become a full-time attorney for the Commonwealth and upon receiving additional funding of such office by the Compensation Board, the attorney for the Commonwealth shall not thereafter engage in the private practice of law. No such election shall become effective until the July 1 immediately following the date of election, or until another date as agreed upon by the attorney for the Commonwealth and the Compensation Board.

E. The Compensation Board shall fund such additional full-time offices of the attorney for the Commonwealth according to the priority list established in subsection B of this section, subject to appropriations by the General Assembly.