

# 1996 SESSION

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## HOUSE JOINT RESOLUTION NO. 79

Offered January 19, 1996

*Requesting the Virginia State Crime Commission to study the cost-effectiveness of public defender offices versus court-appointed counsel and the level of court-appointed counsel fees.*

Patrons—McDonnell, Croshaw, Drake and Jones, J.C.; Senators: Schrock and Stolle

Referred to Committee on Rules

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; and

WHEREAS, in 1982, 48 percent of all state felony defendants were indigent, but by 1994, this figure was probably closer to 80 percent, resulting in an increase in the number of indigent defendants over the last 10 years that has far outrun any increase in defense funding; 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, a significant number of Virginia's localities are now served by public defender offices; and

WHEREAS, court-appointed counsel is often compensated at extremely low levels while the compensation for attorneys accepting appointments as guardians ad litem is not limited; and

WHEREAS, there is a need to evaluate the cost-effectiveness of the public defender system and the court-appointed attorney system throughout the Commonwealth and a need to review the level at which court-appointed counsel are compensated; now, therefore be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be requested to study the cost-effectiveness of public defender offices versus court-appointed counsel for indigent defendants and the level of court-appointed counsel fees, including alternative revenue sources.

The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 1997 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for processing legislative documents.

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