VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

CHAPTER 530

An Act to amend and reenact § 19.2-163.2 of the Code of Virginia, relating to the establishment of public defender offices.

[H 742]

Approved April 15, 1998

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-163.2 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-163.2. Commission to appoint public defenders in selected locations; compensation, assistants, offices, etc., of public defenders.

The duties of the Public Defender Commission, hereinafter referred to as "the Commission," are:

1. To recommend to the General Assembly the areas in which a public defender office is to be established, and to establish such an office in:

a. the City of Virginia Beach;

b. the City of Petersburg;

c. the Cities of Buena Vista, Lexington, Staunton and Waynesboro and the Counties of Augusta and Rockbridge;

d. the City of Roanoke;

e. the City of Portsmouth;

f. the City of Richmond;

g. the Counties of Clarke, Frederick, Page, Shenandoah and Warren, and the City of Winchester;

h. the City and County of Fairfax;

i. the City of Alexandria;

j. the City of Radford and the Counties of Bland, Pulaski and Wythe;

k. the Counties of Fauquier, Loudoun and Rappahannock;

l . the City of Suffolk;

m. the City of Franklin and the Counties of Isle of Wight and Southampton;

n. the City of Bedford and the County of Bedford;

o. the City of Danville;

p. the Counties of Halifax, Lunenburg and Mecklenburg;

q. the City of Fredericksburg and the Counties of King George, Stafford and Spotsylvania;

r. the City of Lynchburg; ~~and~~

s. the City of Martinsville and the County of Henry~~.~~*.; and*

t. the City of Charlottesville and the County of Albemarle.

2. To appoint a public defender for each of the above offices to serve at the pleasure of the Commission, who shall devote his full time to his duties and not engage in the private practice of law. The Commission shall fix the compensation of each public defender and all other personnel in each public defender office.

3. To authorize the public defender to employ such assistants as authorized by the Commission. Such assistants shall devote such time to the performance of their duties as may be required by the public defender or the Commission and may engage in the private practice of law.

4. To authorize the public defender to employ such staff, including secretarial and investigative personnel, as may be necessary to carry out the duties imposed upon the public defender office.

5. To authorize the public defender to secure such office space as needed, to purchase or rent office equipment, to purchase supplies and to incur such expenses as are necessary to carry out the duties imposed upon him.

6. To receive and expend moneys appropriated by the General Assembly of Virginia and to receive other moneys as they become available to it and expend the same in order to carry out the duties imposed upon it.

7. In any case in which a public defender or his assistant represents an indigent person charged with an offense and such person is convicted, such sum as would have been allowed a court-appointed attorney as compensation and as reasonable expenses shall be taxed against the person defended as a part of the costs of the prosecution, and, if collected, shall be paid to the Commonwealth or to the appropriate county, city or town if payment was made to the Commonwealth by a locality for defense of a local ordinance violation. An abstract of such costs shall be docketed in the judgment lien docket and execution book of the court.