

# 1998 SESSION

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## HOUSE JOINT RESOLUTION NO. 190

Offered January 26, 1998

*Requesting the Virginia State Crime Commission, in conjunction with other agencies, to study the capital representation system for indigent defendants in the Commonwealth.*

Patrons—Woodrum, Almand, Darner, Davies, Deeds, Guest, Moran, Plum, Scott and Watts; Senators: Howell, Schrock and Stolle

Referred to Committee for Courts of Justice

WHEREAS, § 19.2-163.7 of the Code of Virginia provides that in any case in which an indigent defendant charged with a capital offense requests representation, an attorney is appointed from a list established by the Public Defender Commission; and

WHEREAS, the Code of Virginia requires the Public Defender Commission, in conjunction with the Virginia State Bar, to establish qualifications that an attorney must meet in order to be placed on a list for appointment; and

WHEREAS, a circuit court judge may appoint counsel who is not on a list if the attorney is qualified according to the standards established by the Public Defender Commission and the Virginia State Bar; and

WHEREAS, the Public Defender Commission was created by the 1972 General Assembly to establish an alternative means of providing legal counsel for indigent defendants; and

WHEREAS, there are now nineteen public defender offices in the Commonwealth; and

WHEREAS, in those jurisdictions not served by a public defender office, Virginia's traditional court-appointed system is in place; and

WHEREAS, indigent defendants charged with capital offenses are represented by the private bar; and

WHEREAS, the economic cost of such representation can be considerable; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime Commission be directed to study, in conjunction with the Office of the Executive Secretary of the Supreme Court, the Virginia State Bar, and the Public Defender Commission, the capital representation system for indigent defendants in the Commonwealth. The Virginia State Crime Commission shall be the lead agency in the study. The study shall evaluate (i) the quality of capital representation of indigent defendants in Virginia, (ii) the standards for qualification of counsel promulgated pursuant to § 19.2-163.8, and (iii) the feasibility of requiring the public defender offices to defend all indigent capital murder defendants who request representation throughout the Commonwealth.

The Virginia State Crime Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 1999 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

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