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HOUSE JOINT RESOLUTION NO. 129

Offered January 13, 2010

Prefiled January 13, 2010

Requesting the Virginia Indigent Defense Commission to study the creation of a public defender office to serve Montgomery County. Report.

Patron—Nutter

Referred to Committee on Rules

WHEREAS, the Virginia Indigent Defense Commission provides legal representation for indigents accused of crimes; and

WHEREAS, Virginia has been ranked among the lowest in the nation by the ABA in terms of compensation for court appointed-counsel; and

WHEREAS, this lack of adequate compensation has its greatest impact on those counties not served by the Indigent Defense Commission; and

WHEREAS, in Montgomery County, criminal cases make up more than 66 percent of cases commenced in the circuit court; and

WHEREAS, unlike some other localities in the 27th Circuit, Montgomery's population has increased nearly 10 percent in the last decade and case filings increased more than 22 percent between 2007 and 2008; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia Indigent Defense Commission be requested to study the creation of a public defender office to serve Montgomery County.

In conducting its study, the Commission shall consider the County's criminal caseload, projected population growth, and the current level of service provided by court-appointed counsel.

Technical assistance shall be provided to the Commission by the Executive Secretary of the Virginia Supreme Court, if necessary. All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Commission shall complete its meetings by November 30, 2010, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2011 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

INTRODUCED

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