

Department of Planning and Budget 2010 Fiscal Impact Statement

1. Bill Number: HB1338

House of Origin X Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Janis, W.

3. Committee: House Committee for Courts of Justice

4. Title: Costs for Interpreters for non-English-speaking persons

5. Summary: When a court appoints a foreign language interpreter for a defendant or a witness in a criminal matter and the defendant is found guilty, this bill would require that the cost of the interpreter be assessed against the defendant as part of the court costs.

6. Fiscal Impact Estimates: Preliminary (see Item 8)

6b. Revenue Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2011	-\$2,200,000	NGF
	\$852,000	GF
2012	-\$2,200,000	NGF
	\$852,000	GF
2013	-\$2,200,000	NGF
	\$852,000	GF
2014	-\$2,200,000	NGF
	\$852,000	GF
2015	-\$2,200,000	NGF
	\$852,000	GF
2016	-\$2,200,000	NGF
	\$852,000	GF

7. Budget Amendment Necessary: No

8. Fiscal Implications: According to the Supreme Court of Virginia (SCV), this legislation will have a negative fiscal impact on the court system.

Currently, the Office of the Executive Secretary receives \$1.2 million in federal grants for various court improvements and initiatives. Court officials have determined that continuing receipt of those funds would likely be precluded by the passage of this bill, because the United States Department of Justice has interpreted Title VI of the Civil Rights Act of 1964 to conclude that assessing the cost of these interpreters generates concerns about discrimination on the basis of national origin. (Department of Justice Final Guidance Document, Federal Register June 18, 2002, p. 41472.)

In addition, anecdotal evidence indicates that a significant number of local courts receive federal grants directly for various programs, including drug courts, which also may be impacted by this legislation. Federal grants to local drug courts total about \$1 million annually. Since non-drug court local grants are not centrally monitored or dispersed, SCV does not have a comprehensive roster of those local grants. It is likely the amount of federal grants received annually by the various local courts is in excess of \$1 million, since federal funds are available for a range of justice-related activities, in addition to drug courts.

During the past fiscal year, the Criminal Fund administered by SCV paid \$3,150,000 for foreign language interpreters in criminal cases. If the collection rate for the amounts assessed against convicted defendants for those interpreters is comparable to the collection rate for the amounts assessed against defendants for court-appointed attorneys, then the state could expect to recoup \$852,000, which would be credited to the general fund.

The potential positive fiscal impact of \$852,000 to the general fund could be offset by up to \$2.2 million in lost federal funds, which would negatively impact the court system's fiscal position.

9. Specific Agency or Political Subdivisions Affected: Courts, Localities

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: 2/2/2010

Document: G:\2010 FIS\HB1338.Doc Reginald Thompson

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