

Department of Planning and Budget 2013 Fiscal Impact Statement

1. Bill Number: HB1483

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Iaquinto

3. Committee: House Committee for Courts of Justice

4. Title: District court; record on appeal

5. Summary: Provides that, upon the appeal of a general district court or juvenile and domestic relations district court judgment in a civil case to circuit court, only the pleadings filed in the case shall be transmitted to the circuit court. All other materials contained in the case file, including all other documents, exhibits, or papers, shall be retained by the district court. Currently, the district court transfers all materials to the circuit court in the event of an appeal.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Indeterminate (see Item 8)

8. Fiscal Implications: According to the Office of the Supreme Court of Virginia (OES), this legislation would likely have a significant impact on the personnel resources of district clerk offices. If this legislation passes, this bill would require a deputy clerk to comb through the case file of each district court case appealed to circuit court in order to separate those portions of the case file to be transmitted to circuit court for a trial *de novo* from those portions of the case file which must be retained by the district court. To the extent that this review involves the deputy clerk making an assessment of the legal character of a document, the clerk would either have to make a determination for which a clerk is not trained or else consult a judge, further adding to an already time consuming process. Although the precise fiscal impact cannot be quantified, it is believed this legislation could create an additional burden on clerk's offices that are already experiencing staffing difficulties.

9. Specific Agency or Political Subdivisions Affected: Courts

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: January 14, 2013

Document: G:\HB1483 - Record On Appeal From District Court.Doc

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