

## **Department of Planning and Budget**

### **2016 Fiscal Impact Statement**

**1. Bill Number:** HB1088

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

**2. Patron:** Cline

**3. Committee:** House Committee for Courts of Justice

**4. Title:** Appointment and supervision of magistrates

**5. Summary:** Reinstates supervisory control over the magistrate system with the chief circuit court judge and the Committee on District Courts and abolishes magisterial regions. In 2008, appointment of and supervisory authority over magistrates was transferred to the Executive Secretary of the Virginia Supreme Court with a provision for consultation with the chief judges of the circuit courts in the region where the appointment is made.

**6. Budget Amendment Necessary:** Yes, Item 46

**7. Fiscal Impact Estimates:** Preliminary (see Item #8)

**8. Fiscal Implications:** In 2007, the General Assembly directed a study group of judges, magistrates, a circuit court clerk, Commonwealth's Attorneys and defense attorneys to recommend ways to reform the magistrate system. In 2008, reforms were adopted to address the need for (i) improved supervision; (ii) better training, including uniform statewide training curricula; (iii) adequate staffing and uniform scheduling; and (iv) uniform selection, retention and supervision of magistrates. Currently, the Executive Secretary of the Supreme Court of Virginia (OES), in consultation with the chief judges of the circuit courts in the region where the appointment is made, holds appointment and supervisory authority over magistrates.

Under the provisions of this legislation, the chief judges of the various circuit courts would assume responsibility for the day-to-day oversight, hiring, discipline and termination of magistrates. These responsibilities are currently being carried out by eight regional magistrate supervisors who supervise three to five districts each. Currently, when complaints arise, regional magistrate supervisors handle these complaints, whether they are specific complaints from citizens or any of the numerous stakeholders in the system, such as attorneys for the Commonwealth, sheriffs or chiefs of police. This responsibility (day-to-day oversight, hiring, discipline and termination of magistrates) would now be shifted to the chief judges of the circuit court.

Additionally, this legislation abolishes the regional authority for magistrates, restricting their authority to their particular district only. According to OES, this change would require each district to have a chief magistrate. Therefore, additional chief magistrates will need to be hired to meet this requirement. The current regionalization has allowed certain low volume districts to be covered by magistrates from other districts when those districts are operate at reduced staffing levels. The legislation allows for the continued use of video conferencing; however, each district would need to be continuously staffed by a sufficient number of magistrates to adequately provide prompt services. Currently, not all districts have the staff to provide 24 hour coverage; therefore, it is likely additional magistrates will need to be hired to fully staff each district.

The OES estimates four additional chief magistrates and 15 additional magistrates will need to be appointed to implement this legislation. The annual compensation for these 19 positions is \$1,421,890. In addition, each of the new magistrate appointees will need to complete a comprehensive training curriculum; total one-time training costs are projected to be \$536,719. The legislation also creates a new substitute magistrate position. The annual compensation for the substitute magistrates cannot be determined; however, the cost could be as high as \$1,039,540 if you assume each of the 32 districts has at least one substitute magistrate. The one-time training cost for the substitute magistrates is estimated to be \$613,632. The substitute magistrates would replace the eight current regional supervisor positions, thus reducing the expense of this legislation by \$904,754.

**9. Specific Agency or Political Subdivisions Affected:** Courts, magistrates

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None