

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: HB2165H1

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed

Second House ☒ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Williams

3. Committee: Senate Committee on the Judiciary

4. Title: Duties of the Attorney General and attorney for the Commonwealth.

5. Summary: The substitute bill amends § 2.2-511 (Criminal cases) to establish that in all other criminal cases in the circuit courts, except where the law provides otherwise, the authority of the Attorney General to appear or participate in the proceedings must attach with when the appellate court receives the record after a notice of appeal has been filed with the clerk of the circuit court noting an appeal to the Court of Appeals or the Supreme Court.

In all criminal cases before the Court of Appeals or the Supreme Court in which the Commonwealth is a party or is directly interested, the Attorney General must appear and represent the Commonwealth upon receipt of the record in the appellate court, unless, and with the consent of the Attorney General, the attorney for the Commonwealth who prosecuted the underlying criminal case files a notice of appearance to represent the Commonwealth in any such appeal. However, in an appeal regarding bail, bond, or recognizance pursuant to Article 1 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2 or subsection B of § 19.2-398, the attorney for the Commonwealth who prosecuted the underlying criminal case must continue to represent the Commonwealth on appeal.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: According to the Office of the Executive Secretary of the Supreme Court ("OES") and the Office of the Attorney General ("OAG"), the bill is not expected to have a material fiscal impact on the agency resources.

9. Specific Agency or Political Subdivisions Affected: Courts, Office of the Attorney General, Commonwealth's Attorneys

10. Technical Amendment Necessary: No

11. Other Comments: None