

# Judicial

Budget amendments, as adopted, for the Judicial Department for the 2002-04 biennium contain a net increase of \$1.6 million GF when compared to Chapter 899. This total reflects new spending of \$4.7 million, offset by \$3.1 million in reductions.

The general fund increase includes \$2.0 million each year for the Criminal Fund. A series of amendments implements the October budget reductions, based on actions approved by the Committee on District Courts in September 2002. These actions include reductions in out-of-state training and technology training for judges; mandatory 60-day hiring delays for classified employees; reductions in expenditures for overtime and wage employees; reductions in the number of days allowed for use of substitute judges; and, reductions in the use of mediation. No layoffs are anticipated as a result of these actions.

In addition, language is included establishing a new \$100 fee for Driving Under the Influence, and increasing the fee for the Intensified Drug Enforcement Jurisdictions Fund from \$2 to \$4, effective May 1, 2003.

Language amendments are included in the Virginia Criminal Sentencing Commission authorizing the commission to adjust the non-violent felony risk assessment instrument to identify additional low-risk, non-violent offenders for sentencing options, and to develop sentencing guidelines for technical probation violators. The intent of these amendments is to increase the utilization of sentencing options for non-violent offenders who do not pose a significant recidivism risk.

- **Supreme Court of Virginia**
  - **Judicial Agency Reductions.** Reduces spending by \$261,500 GF the first year and \$275,000 GF the second year, based on actions approved by the Committee on District Courts.
  - **Performance Evaluation.** Provides \$104,000 GF the second year for a judicial performance evaluation pilot project.
- **Court of Appeals of Virginia**
  - **Judicial Agency Reductions.** Reduces spending by \$32,000 GF each year, based on actions approved by the Committee on District Courts.

- **Circuit Courts**

- **Additional DUI Fee.** Imposes an additional fee of \$100 for persons convicted of driving under the influence (DUI), effective May 1, 2003. This fee is applicable in both Circuit and District Courts.
  - The estimated \$2.5 million per year in revenues from this fee will be deposited into the general fund to cover state costs of DUI testing and the breathalyzer training and certification program in the Department of Criminal Justice Services.
  - A companion amendment in DCJS provides general fund support to that agency to cover the cost of the breathalyzer program, thereby supplanting an equal amount of ABC funds that currently support the program.
  - In turn, these ABC funds are shifted to the Department of Mental Health, Mental Retardation and Substance Abuse Services to support treatment programs.
- **Increased IDEA Fee.** Includes language increasing the Intensified Drug Enforcement Jurisdictions Fund (IDEA Fund) fee from \$2 to \$4, effective May 1, 2003, which would raise an estimated \$3.0 million the second year. (Identical amendments are included in the General District, Juvenile and Domestic Relations, and Combined District Courts to implement the same fee in those courts as well.)

- **General District Courts**

- **Judicial Agency Reductions.** Reduces spending by \$512,945 GF the first year and \$310,741 GF the second year, based on actions approved by the Committee on District Courts. (The adopted amendments restored \$311,000, or one-half of the reductions offered by the Committee on District Courts the second year.)

- **Juvenile and Domestic Relations District Courts**

- **Judicial Agency Reductions.** Reduces spending by \$396,350 GF the first year and \$227,195 GF the second year, based on actions approved by the Committee on District Courts. (The adopted amendments restored \$225,000, or one-half of the reductions offered by the Committee on District Courts the second year.)

- ***Criminal Fund.*** Includes \$2.0 million GF each year for increased expenses projected in the Criminal Fund. (These funds are to be distributed to all of the Circuit and District Courts.)
- **Combined District Courts**
  - ***Judicial Agency Reductions.*** Reduces spending by \$110,077 GF the first year and \$63,568 GF the second year, based on actions approved by the Committee on District Courts. (The adopted amendments restored \$64,000, or one-half of the reductions offered by the Committee on District Courts the second year.)
- **Magistrate System**
  - ***Judicial Agency Reductions.*** Reduces spending by \$126,163 GF the first year and \$161,146 GF the second year based on actions approved by the Committee on District Courts.
- **Virginia Criminal Sentencing Commission**
  - ***Risk Assessment Instrument.*** Includes language authorizing the commission to adjust the risk assessment instrument for nonviolent felony offenders to increase the use of sentencing options for offenders who do not pose a significant risk of recidivism. The commission is authorized to make these changes prior to the 2004 General Assembly.
  - ***Sentencing Guidelines for Technical Violators.*** Includes language authorizing the commission to develop sentencing guidelines for technical probation violators, with a report to the 2004 General Assembly before those guidelines would go into effect.
- **Virginia State Bar**
  - ***Office Space Increase.*** Provides a technical adjustment of \$12,460 NGF the first year and \$21,500 NGF the second year for increased office space rental for the Alexandria office.
  - ***Attorney General Fees and Other Costs.*** Provides a technical adjustment of \$46,655 NGF the first year and \$33,500 NGF the second year for increased administrative fees charged by the Office of the Attorney General and for costs associated with a health insurance consultant.

- **Technical Adjustment.** Includes a technical adjustment to increase the agency budget by \$501,814 the first year and \$525,500 the second year from nongeneral funds, and adds 2.0 FTE positions. This reflects the current projection of special fund revenues from membership dues, based on the existing dues structure of the Virginia State Bar.