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HOUSE BILL NO. 1865

Offered January 13, 2025

Prefiled January 6, 2025

A BILL to amend and reenact §§ 15.2-1627, 15.2-1627.6, 16.1-309.11, 18.2-254.1, 18.2-254.3, 19.2-159, 19.2-160.1, 19.2-163, 19.2-163.01, 19.2-163.04, 19.2-163.3, 19.2-163.4, 19.2-368.2, and 53.1-124 of the Code of Virginia, relating to Virginia Access to Justice Act.

Patron—Callsen

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1627, 15.2-1627.6, 16.1-309.11, 18.2-254.1, 18.2-254.3, 19.2-159, 19.2-160.1, 19.2-163, 19.2-163.01, 19.2-163.04, 19.2-163.3, 19.2-163.4, 19.2-368.2, and 53.1-124 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1627. Duties of attorneys for the Commonwealth and their assistants.

A. No attorney for the Commonwealth, or assistant attorney for the Commonwealth, shall be required to carry out any duties as a part of his office in civil matters of advising the governing body and all boards, departments, agencies, officials and employees of his county or city; of drafting or preparing county or city ordinances; of defending or bringing actions in which the county or city, or any of its boards, departments or agencies, or officials and employees thereof, shall be a party; or in any other manner of advising or representing the county or city, its boards, departments, agencies, officials and employees, except in matters involving the enforcement of the criminal law within the county or city.

B. The attorney for the Commonwealth and assistant attorney for the Commonwealth shall be a part of the department of law enforcement of the county or city in which he is elected or appointed, and shall have the duties and powers imposed upon him by general law, including the duty of prosecuting all warrants, indictments, or informations charging a felony, and he ~~may in his discretion~~, shall prosecute Class 1, 2, and 3 misdemeanors, or any other violation, the conviction of which carries a penalty of confinement in jail, or a fine of \$500 or more, or both such confinement and fine. He shall enforce all forfeitures, and carry out all duties imposed upon him by § 2.2-3126. He may enforce the provisions of § 18.2-268.3, 29.1-738.2, 46.2-341.20:7, or 46.2-341.26:3. He may, in his discretion, file a petition for appeal pursuant to Chapter 25 (§ 19.2-398 et seq.) of Title 19.2 and he shall continue to represent the Commonwealth in any such appeal before the Court of Appeals or the Supreme Court for which he was the prosecuting attorney, unless and until the Court of Appeals grants the petition, except that he shall remain counsel of record 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.

He shall also represent the Commonwealth in an appeal of a civil matter related to the enforcement of a criminal law or a criminal case for which he was the prosecuting attorney, including a petition for expungement of a defendant's criminal record, an action of forfeiture filed in accordance with the provisions of Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2, or any matter which he may enforce pursuant to this section.

§ 15.2-1627.6. Coordination of multidisciplinary response to human trafficking.

A. The attorney for the Commonwealth in each political subdivision in the Commonwealth shall coordinate the establishment of a multidisciplinary response to human trafficking as set forth in Article 3 (§ 18.2-346 et seq.) of Chapter 8 of Title 18.2 and hold a meeting, at least annually, to (i) discuss implementation of protocols and policies for human trafficking response teams consistent with those established by the Department of Criminal Justice Services pursuant to subdivision 37 d of § 9.1-102; (ii) establish and review guidelines for the community's response to the various forms of human trafficking, including sex trafficking and labor trafficking; and (iii) review protocols for the trauma-informed, victim-centered collection, preservation, and secure storage of evidence from physical evidence recovery kit examinations consistent with § 19.2-165.1.

B. The following persons or their designees shall be invited to participate in the annual meeting: the attorney for the Commonwealth; a representative of the Virginia Indigent Defense Commission ~~in~~ **jurisdictions served by a public defender office**; the sheriff; the director of the local sexual assault crisis center providing services in the jurisdiction, if any; the chief of each police department and the chief of each campus police department of any institution of higher education in the jurisdiction, if any; a forensic nurse examiner or other health care provider who performs physical evidence recovery kit examinations in the jurisdiction, if any; a health professional knowledgeable in the treatment of trauma-informed, victim-centered services; a social worker knowledgeable in the needs of immigrant communities; the state Sex Trafficking

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59 Response Coordinator or his designee; a representative from at least one national or local organization that
60 supports victims of human trafficking; at least one survivor of human trafficking; the director of the
61 victim/witness program in the jurisdiction, if any; a division superintendent or his designee from at least one
62 of the local school divisions; and a labor union representative knowledgeable about labor trafficking. In
63 addition, the attorney for the Commonwealth may invite other individuals, or their designees, to participate in
64 the annual meeting, including (i) local health department district directors; (ii) the administrator of each
65 licensed hospital within the jurisdiction; (iii) the director of each health safety net clinic within the
66 jurisdiction, including those clinics created by 42 C.F.R. § 491.1 and the free and charitable clinics; (iv) local
67 administrators in charitable clinics or local hospitals, as well as other health care providers or local nonprofit
68 organizations working with victims of trafficking; and (v) as determined by the attorney for the
69 Commonwealth, any other local health care providers.

70 C. Attorneys for the Commonwealth are authorized to conduct the human trafficking response team
71 annual meetings using other methods to encourage attendance, including electronic communication means as
72 provided in § 2.2-3708.3.

73 **§ 16.1-309.11. Youth justice diversion program.**

74 A. For the purposes of this section, "youth justice diversion program" means a diversionary program that
75 (i) is monitored by a local youth justice diversion program advisory committee; (ii) uses juvenile volunteers
76 as lawyers, jurors, and other court personnel; (iii) uses volunteer attorneys as judges; (iv) conducts peer trials
77 of juveniles who are referred to the program by the intake officer; and (v) imposes various sentences
78 emphasizing restitution, rehabilitation, accountability, competency building, and education, but not
79 incarceration.

80 B. Any jurisdiction may establish a youth justice diversion program upon establishment of a local youth
81 justice diversion program advisory committee and approval of the youth justice diversion program by the
82 chief judge of the juvenile and domestic relations district court that serves such jurisdiction. Each local youth
83 justice diversion program advisory committee shall ensure quality, efficiency, and fairness in the planning,
84 implementation, and operation of the youth justice diversion program that serves the jurisdiction. Advisory
85 committee membership may include, ~~but shall not be limited to,~~ the following persons or their designees: (i) a
86 judge from the juvenile and domestic relations district court that serves such jurisdiction; (ii) the attorney for
87 the Commonwealth; (iii) the public defender ~~or a member of the local criminal defense bar in jurisdictions in~~
88 ~~which there is no public defender;~~ (iv) the clerk of the court in which the youth justice diversion program is
89 located; (v) a representative of the Department of Juvenile Justice from the local office that serves the
90 jurisdiction; (vi) a local law-enforcement officer; (vii) a representative of a local school in such jurisdiction;
91 (viii) a representative of juvenile court services; (ix) a representative of a juvenile detention center or group
92 home; (x) a representative of a local children and family services agency; and (xi) any other persons selected
93 by the local youth justice diversion program advisory committee.

94 C. Each local youth justice diversion program advisory committee shall establish criteria for the eligibility
95 and participation of juveniles alleged to have committed a delinquent act other than an act that would be a
96 felony or a Class 1 misdemeanor if committed by an adult in the youth justice diversion program, with the
97 consent of the juvenile's parent or legal guardian.

98 D. Each local youth justice diversion program advisory committee shall establish policies and procedures
99 for the operation of the youth justice diversion program to attain the following goals: (i) early intervention in
100 and prevention of delinquent behavior; (ii) providing positive alternative sanctions for offenders by providing
101 a peer-driven sentencing mechanism that allows young people to take responsibility, to be held accountable,
102 and to make restitution; (iii) advocating for fair, constructive, and restorative sentences predicated on
103 sensitivity to the unique needs and the diversity of the participating juveniles; and (iv) developing positive
104 citizenship attitudes, encouraging civic engagement, and promoting educational success through a diversity
105 of service learning opportunities, strategies, and activities.

106 E. All records and reports concerning juvenile participants in a local youth justice diversion program
107 made available to members of a local youth justice diversion program advisory committee and volunteers of a
108 local youth justice diversion program and all records and reports identifying a juvenile participant that are
109 generated by the committee or program from such reports shall be confidential and shall not be disclosed,
110 except as authorized by other applicable law.

111 F. A juvenile referred to a youth justice diversion program may be required to contribute to the cost of the
112 program pursuant to guidelines developed by the local youth justice diversion program advisory committee.

113 **§ 18.2-254.1. Recovery Court Act.**

114 A. This section shall be known and may be cited as the "Recovery Court Act."

115 B. The General Assembly recognizes that there is a critical need in the Commonwealth for effective
116 treatment programs that reduce the incidence of drug use, drug addiction, family separation due to parental
117 substance abuse, and drug-related crimes. It is the intent of the General Assembly by this section to enhance
118 public safety by facilitating the creation of recovery courts as means by which to accomplish this purpose.

119 C. The goals of recovery courts include: (i) reducing drug addiction and drug dependency among

offenders; (ii) reducing recidivism; (iii) reducing drug-related court workloads; (iv) increasing personal, familial and societal accountability among offenders; and (v) promoting effective planning and use of resources among the criminal justice system and community agencies.

D. Recovery courts are specialized court dockets within the existing structure of Virginia's court system offering judicial monitoring of intensive treatment and strict supervision of addicts in drug and drug-related cases. Local officials must complete a recognized planning process before establishing a recovery court program.

E. Administrative oversight for implementation of the Recovery Court Act shall be conducted by the Supreme Court of Virginia. The Supreme Court of Virginia shall be responsible for (i) providing oversight for the distribution of funds for recovery courts; (ii) providing technical assistance to recovery courts; (iii) providing training for judges who preside over recovery courts; (iv) providing training to the providers of administrative, case management, and treatment services to recovery courts; and (v) monitoring the completion of evaluations of the effectiveness and efficiency of recovery courts in the Commonwealth.

F. The state Recovery Court Advisory Committee shall be established to (i) evaluate and recommend standards for the planning and implementation of recovery courts; (ii) assist in the evaluation of their effectiveness and efficiency; and (iii) encourage and enhance cooperation among agencies that participate in their planning and implementation. The committee shall be chaired by the Chief Justice of the Supreme Court of Virginia or his designee and shall include a member of the Judicial Conference of Virginia who presides over a recovery court; a district court judge; the Executive Secretary or his designee; the directors of the following executive branch agencies: Department of Corrections, Department of Criminal Justice Services, Department of Juvenile Justice, Department of Behavioral Health and Developmental Services, Department of Social Services; a representative of the following entities: a local community-based probation and pretrial services agency, the Commonwealth's Attorney's Association, the Virginia Indigent Defense Commission, the Circuit Court Clerk's Association, the Virginia Sheriff's Association, the Virginia Association of Chiefs of Police, the Commission on VASAP, and two representatives designated by the Virginia Drug Court Association.

G. Each jurisdiction or combination of jurisdictions that intend to establish a recovery court or continue the operation of an existing one shall establish a local recovery court advisory committee. Jurisdictions that establish separate adult and juvenile recovery courts may establish an advisory committee for each such court. Each advisory committee shall ensure quality, efficiency, and fairness in the planning, implementation, and operation of the recovery court or courts that serve the jurisdiction or combination of jurisdictions. Advisory committee membership shall include, ~~but shall not be limited to~~ the following people or their designees: (i) the recovery court judge; (ii) the attorney for the Commonwealth, or, where applicable, the city or county attorney who has responsibility for the prosecution of misdemeanor offenses; (iii) the public defender ~~or a member of the local criminal defense bar in jurisdictions in which there is no public defender~~; (iv) the clerk of the court in which the recovery court is located; (v) a representative of the Virginia Department of Corrections, or the Department of Juvenile Justice, or both, from the local office ~~which that~~ serves the jurisdiction or combination of jurisdictions; (vi) a representative of a local community-based probation and pretrial services agency; (vii) a local law-enforcement officer; (viii) a representative of the Department of Behavioral Health and Developmental Services or a representative of local drug treatment providers; (ix) the recovery court administrator; (x) a representative of the Department of Social Services; (xi) ~~the~~ county administrator or city manager; and (xii) any other people selected by the recovery court advisory committee.

H. Each local recovery court advisory committee shall establish criteria for the eligibility and participation of offenders who have been determined to be addicted to or dependent upon drugs. Subject to the provisions of this section, neither the establishment of a recovery court nor anything herein shall be construed as limiting the discretion of the attorney for the Commonwealth to prosecute any criminal case arising therein which he deems advisable to prosecute, except to the extent the participating attorney for the Commonwealth agrees to do so. An adult offender shall not be eligible for participation in any recovery court established or continued in operation pursuant to this section if any of the following conditions apply:

1. The offender is presently charged with a felony offense or is convicted of a felony offense while participating in any recovery court where:

a. The offender carried, possessed, or used a firearm or any dangerous weapon specified in § 18.2-308 during such offense;

b. The death or serious bodily injury of any person occurred during such offense; or

c. The use of force against any other person besides the offender occurred during such offense; or

2. The offender was previously convicted as an adult of any felony offense that involved the use of force or attempted use of force against any person with the intent to cause death or serious bodily injury.

I. Each recovery court advisory committee shall establish policies and procedures for the operation of the court to attain the following goals: (i) effective integration of drug and alcohol treatment services with criminal justice system case processing; (ii) enhanced public safety through intensive offender supervision

and drug treatment; (iii) prompt identification and placement of eligible participants; (iv) efficient access to a continuum of alcohol, drug, and related treatment and rehabilitation services; (v) verified participant abstinence through frequent alcohol and other drug testing; (vi) prompt response to participants' noncompliance with program requirements through a coordinated strategy; (vii) ongoing judicial interaction with each recovery court participant; (viii) ongoing monitoring and evaluation of program effectiveness and efficiency; (ix) ongoing interdisciplinary education and training in support of program effectiveness and efficiency; and (x) ongoing collaboration among recovery courts, public agencies, and community-based organizations to enhance program effectiveness and efficiency.

J. Participation by an offender in a recovery court shall be voluntary and made pursuant only to a written agreement entered into by and between the offender and the Commonwealth with the concurrence of the court.

K. Nothing in this section shall preclude the establishment of substance abuse treatment programs and services pursuant to the deferred judgment provisions of § 18.2-251.

L. Each offender shall contribute to the cost of the substance abuse treatment he receives while participating in a recovery court pursuant to guidelines developed by the recovery court advisory committee.

M. Nothing contained in this section shall confer a right or an expectation of a right to treatment for an offender or be construed as requiring a local recovery court advisory committee to accept for participation every offender.

N. The Office of the Executive Secretary shall, with the assistance of the state Recovery Court Advisory Committee, develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local recovery courts. A report of these evaluations shall be submitted to the General Assembly by December 1 of each year. Each local recovery court advisory committee shall submit evaluative reports to the Office of the Executive Secretary as requested.

O. Notwithstanding any other provision of this section, no recovery court shall be established subsequent to March 1, 2004, unless the jurisdiction or jurisdictions intending or proposing to establish such court have been specifically granted permission under the Code of Virginia to establish such court. The provisions of this subsection shall not apply to any recovery court established on or before March 1, 2004, and operational as of July 1, 2004.

P. Subject to the requirements and conditions established by the state Recovery Court Advisory Committee, there shall be established a recovery court in the following jurisdictions: the City of Chesapeake and the City of Newport News.

Q. Subject to the requirements and conditions established by the state Recovery Court Advisory Committee, there shall be established a recovery court in the Juvenile and Domestic Relations District Court for the County of Franklin, provided that such court is funded solely through local sources.

R. Subject to the requirements and conditions established by the state Recovery Court Advisory Committee, there shall be established a recovery court in the City of Bristol and the County of Tazewell, provided that the court is funded within existing state and local appropriations.

§ 18.2-254.3. Behavioral Health Docket Act.

A. This section shall be known and may be cited as the "Behavioral Health Docket Act."

B. The General Assembly recognizes the critical need to promote public safety and reduce recidivism by addressing co-occurring behavioral health issues, such as mental illness and substance abuse, related to persons in the criminal justice system. It is the intention of the General Assembly to enhance public safety by facilitating the creation of behavioral health dockets to accomplish this purpose.

C. The goals of behavioral health dockets shall include (i) reducing recidivism; (ii) increasing personal, familial, and societal accountability among offenders through ongoing judicial intervention; (iii) addressing mental illness and substance abuse that contribute to criminal behavior and recidivism; and (iv) promoting effective planning and use of resources within the criminal justice system and community agencies. Behavioral health dockets promote outcomes that will benefit not only the offender but society as well.

D. Behavioral health dockets are specialized criminal court dockets within the existing structure of Virginia's court system that enable the judiciary to manage its workload more efficiently. Under the leadership and regular interaction of presiding judges, and through voluntary offender participation, behavioral health dockets shall address offenders with mental health conditions and drug addictions that contribute to criminal behavior. Behavioral health dockets shall employ evidence-based practices to diagnose behavioral health illness and provide treatment, enhance public safety, reduce recidivism, ensure offender accountability, and promote offender rehabilitation in the community. Local officials shall complete a planning process recognized by the state behavioral health docket advisory committee before establishing a behavioral health docket program.

E. Administrative oversight of implementation of the Behavioral Health Docket Act shall be conducted by the Supreme Court of Virginia. The Supreme Court of Virginia shall be responsible for (i) providing oversight of the distribution of funds for behavioral health dockets; (ii) providing technical assistance to behavioral health dockets; (iii) providing training to judges who preside over behavioral health dockets; (iv)

providing training to the providers of administrative, case management, and treatment services to behavioral health dockets; and (v) monitoring the completion of evaluations of the effectiveness and efficiency of behavioral health dockets in the Commonwealth.

F. A state behavioral health docket advisory committee shall be established in the judicial branch. The committee shall be chaired by the Chief Justice of the Supreme Court of Virginia, who shall appoint a vice-chair to act in his absence. The membership of the committee shall include a behavioral health circuit court judge, a behavioral health general district court judge, a behavioral health juvenile and domestic relations district court judge, the Executive Secretary of the Supreme Court or his designee, the Governor or his designee, and a representative from each of the following entities: the Commonwealth's Attorneys' Services Council, the Virginia Court Clerks' Association, the Virginia Indigent Defense Commission, the Department of Behavioral Health and Developmental Services, the Virginia Organization of Consumers Asserting Leadership, a community services board or behavioral health authority, and a local community-based probation and pretrial services agency.

G. Each jurisdiction or combination of jurisdictions that intend to establish a behavioral health docket or continue the operation of an existing behavioral health docket shall establish a local behavioral health docket advisory committee. Jurisdictions that establish separate adult and juvenile behavioral health dockets may establish an advisory committee for each such docket. Each local behavioral health docket advisory committee shall ensure quality, efficiency, and fairness in the planning, implementation, and operation of the behavioral health dockets that serve the jurisdiction or combination of jurisdictions. Advisory committee membership may include; ~~but shall not be limited to,~~ the following persons or their designees: (i) the behavioral health docket judge; (ii) the attorney for the Commonwealth or, where applicable, the city or county attorney who has responsibility for the prosecution of misdemeanor offenses; (iii) the public defender ~~or a member of the local criminal defense bar in jurisdictions in which there is no public defender~~; (iv) the clerk of the court in which the behavioral health docket is located; (v) a representative of the Virginia Department of Corrections or the Department of Juvenile Justice, or both, from the local office that serves the jurisdiction or combination of jurisdictions; (vi) a representative of a local community-based probation and pretrial services agency; (vii) a local law-enforcement officer; (viii) a representative of the Department of Behavioral Health and Developmental Services or a representative of local treatment providers, or both; (ix) a representative of the local community services board or behavioral health authority; (x) the behavioral health docket administrator; (xi) a public health official; (xii) the county administrator or city manager; (xiii) a certified peer recovery specialist; and (xiv) any other persons selected by the local behavioral health docket advisory committee.

H. Each local behavioral health docket advisory committee shall establish criteria for the eligibility and participation of offenders who have been determined to have problems with drug addiction, mental illness, or related issues. The committee shall ensure the use of a comprehensive, valid, and reliable screening instrument to assess whether the individual is a candidate for a behavioral health docket. Once an individual is identified as a candidate appropriate for a behavioral health court docket, a full diagnosis and treatment plan shall be prepared by qualified professionals.

Subject to the provisions of this section, neither the establishment of a behavioral health docket nor anything in this section shall be construed as limiting the discretion of the attorney for the Commonwealth to prosecute any criminal case arising therein that he deems advisable to prosecute, except to the extent that the participating attorney for the Commonwealth agrees to do so.

I. Each local behavioral health docket advisory committee shall establish policies and procedures for the operation of the docket to attain the following goals: (i) effective integration of appropriate treatment services with criminal justice system case processing; (ii) enhanced public safety through intensive offender supervision and treatment; (iii) prompt identification and placement of eligible participants; (iv) efficient access to a continuum of related treatment and rehabilitation services; (v) verified participant abstinence through frequent alcohol and other drug testing and mental health status assessments, where applicable; (vi) prompt response to participants' noncompliance with program requirements through a coordinated strategy; (vii) ongoing judicial interaction with each behavioral health docket participant; (viii) ongoing monitoring and evaluation of program effectiveness and efficiency; (ix) ongoing interdisciplinary education and training in support of program effectiveness and efficiency; and (x) ongoing collaboration among behavioral health dockets, public agencies, and community-based organizations to enhance program effectiveness and efficiency.

J. If there is cause for concern that a defendant was experiencing a crisis related to a mental health or substance abuse disorder then his case will be referred, if such referral is appropriate, to a behavioral health docket to determine eligibility for participation. Participation by an offender in a behavioral health docket shall be voluntary and made pursuant only to a written agreement entered into by and between the offender and the Commonwealth with the concurrence of the court. If an offender determined to be eligible to participate in a behavioral health docket resides in a locality other than that in which the behavioral health docket is located, or such offender desires to move to a locality other than that in which the behavioral health

docket is located, and the court determines it is practicable and appropriate, the supervision of such offender may be transferred to a supervising agency in the new locality. If the receiving agency accepts the transfer, it shall confirm in writing that it can and will comply with all of the conditions of supervision of the behavioral health docket, including the frequency of in-person and other contact with the offender and updates from the offender's treatment providers. If the receiving agency cannot comply with the conditions of supervision, the agency shall deny the transfer in writing and the sending agency shall notify the court. Where supervision is transferred, the sending agency shall be responsible for providing reports on an offender's conduct, treatment, and compliance with the conditions of supervision to the court.

K. An offender may be required to contribute to the cost of the treatment he receives while participating in a behavioral health docket pursuant to guidelines developed by the local behavioral health docket advisory committee.

L. Nothing contained in this section shall confer a right or an expectation of a right to treatment for an offender or be construed as requiring a local behavioral health docket advisory committee to accept for participation every offender.

M. The Office of the Executive Secretary shall, with the assistance of the state behavioral health docket advisory committee, develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all behavioral health dockets. The Executive Secretary shall submit an annual report of these evaluations to the General Assembly by December 1 of each year. The annual report shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website. Each local behavioral health docket advisory committee shall submit evaluative reports, as provided by the Behavioral/Mental Health Docket Advisory Committee, to the Office of the Executive Secretary as requested.

§ 19.2-159. Determination of indigency; guidelines; statement of indigence; appointment of counsel.

A. If the accused shall claim that he is indigent, and the charge against him is a criminal offense that may be punishable by confinement in the state correctional facility or jail, subject to the provisions of § 19.2-160, the court shall determine from oral examination of the accused or other competent evidence whether or not the accused is indigent within the contemplation of law pursuant to the guidelines set forth in this section.

B. In making its finding, the court shall determine whether or not the accused is a current recipient of a state or federally funded public assistance program for the indigent. If the accused is a current recipient of such a program and does not waive his right to counsel or retain counsel on his own behalf, he shall be presumed eligible for the appointment of counsel. This presumption shall be rebuttable where the court finds that a more thorough examination of the financial resources of the defendant is necessary. If the accused shall claim to be indigent and is not presumptively eligible under the provisions of this section, then a thorough examination of the financial resources of the accused shall be made with consideration given to the following:

1. The net income of the accused, which shall include his total salary and wages minus deductions required by law. The court also shall take into account income and amenities from other sources including but not limited to social security funds, union funds, veteran's benefits, other regular support from an absent family member, public or private employee pensions, dividends, interests, rents, estates, trusts, or gifts.

2. All assets of the accused which are convertible into cash within a reasonable period of time without causing substantial hardship or jeopardizing the ability of the accused to maintain home and employment. Assets shall include all cash on hand as well as in checking and savings accounts, stocks, bonds, certificates of deposit, and tax refunds. All personal property owned by the accused which is readily convertible into cash shall be considered, except property exempt from attachment. Any real estate owned by the accused shall be considered in terms of the amounts which could be raised by a loan on the property. For purposes of eligibility determination, the income, assets, and expenses of the spouse, if any, who is a member of the accused's household, shall be considered, unless the spouse was the victim of the offense or offenses allegedly committed by the accused.

3. Any exceptional expenses of the accused and his family which would, in all probability, prohibit him from being able to secure private counsel. Such items shall include but not be limited to costs for medical care, family support obligations, and child care payments.

The available funds of the accused shall be calculated as the sum of his total income and assets less the exceptional expenses as provided in the first paragraph of this subdivision 3. If the accused does not waive his right to counsel or retain counsel on his own behalf, counsel shall be appointed for the accused if his available funds are equal to or below 125 percent of the federal poverty income guidelines prescribed for the size of the household of the accused by the federal Department of Health and Human Services. The Supreme Court of Virginia shall be responsible for distributing to all courts the annual updates of the federal poverty income guidelines made by the Department.

If the available funds of the accused exceed 125 percent of the federal poverty income guidelines and the accused fails to employ counsel and does not waive his right to counsel, the court may, in exceptional

circumstances, and where the ends of justice so require, appoint an attorney to represent the accused. However, in making such appointments, the court shall state in writing its reasons for so doing. The written statement by the court shall be included in the permanent record of the case.

C. If the court determines that the accused is indigent as contemplated by law pursuant to the guidelines set forth in this section, the court shall provide the accused with a statement which shall contain the following:

"I have been advised this _____ day of _____, 20____, by the (name of court) court of my right to representation by counsel in the trial of the charge pending against me; I certify that I am without means to employ counsel and I hereby request the court to appoint counsel for me."

(signature of accused)

The court shall also require the accused to complete a written financial statement to support the claim of indigency and to permit the court to determine whether or not the accused is indigent within the contemplation of law. The accused shall execute the said statements under oath, and the said court shall appoint competent counsel to represent the accused in the proceeding against him, including an appeal, if any, until relieved or replaced by other counsel.

The executed statements by the accused and the order of appointment of counsel shall be filed with and become a part of the record of such proceeding.

All other instances in which the appointment of counsel is required for an indigent shall be made in accordance with the guidelines prescribed in this section.

D. ~~Except in jurisdictions having a Defense services for indigents charged withailable offenses shall be provided by the public defender; or~~ unless (i) the public defender is unable to represent the defendant by reason of conflict of interest; (ii) the court finds that appointment of other counsel is necessary to attain the ends of justice; or (iii) the public defender, with the concurrence of the executive director of the Virginia Indigent Defense Commission or his designee, determines that the current active caseload would preclude the public defender from providing adequate representation to new clients, *in which case* counsel appointed by the court for representation of the accused shall be selected by a fair system of rotation among members of the bar practicing before the court whose names are on the list maintained by the Virginia Indigent Defense Commission pursuant to § 19.2-163.01. If no attorney who is on the list maintained by the Virginia Indigent Defense Commission is reasonably available, the court may appoint as counsel an attorney not on the list who has otherwise demonstrated to the court's satisfaction an appropriate level of training and experience. The court shall provide notice to the Commission of the appointment of the attorney.

§ 19.2-160.1. Appointment of counsel in Class 1 felony cases.

A. In any case in which an indigent defendant is charged with a Class 1 felony ~~in a jurisdiction in which a public defender office is established,~~ the court shall, upon request for the appointment of counsel and in the absence of a conflict, appoint ~~such the public defender~~ *defender's* office to represent the defendant. Upon motion of the attorney from ~~a the public defender~~ *defender's* office, the judge of the circuit court shall appoint a competent, qualified, and experienced attorney from the list maintained by the Virginia Indigent Defense Commission pursuant to § 19.2-163.01 to serve as co-counsel.

If the public defender notifies the court of a conflict and withdraws from representation, and the court had appointed one additional counsel to assist the public defender's office, then upon the withdrawal of the public defender's office the court shall appoint one additional competent, qualified, and experienced attorney from the list maintained by the Virginia Indigent Defense Commission pursuant to § 19.2-163.01 to serve as co-counsel for the defendant.

B. ~~In any case in which an indigent defendant is charged with a Class 1 felony in a jurisdiction in which there is no public defender, upon request for the appointment of counsel, the court shall appoint two competent, qualified, and experienced attorneys, from the list maintained by the Indigent Defense Commission pursuant to § 19.2-163.01 to serve as co-counsel for the defendant.~~

§ 19.2-163. Compensation of court-appointed counsel.

Upon submission to the court, for which appointed representation is provided, of a detailed accounting of the time expended for that representation, made within 30 days of the completion of all proceedings in that court, counsel appointed to represent an indigent accused in a criminal case shall be compensated for his services on an hourly basis at a rate set by the Supreme Court of Virginia in a total amount not to exceed the amounts specified in this section, or other such amount as may be provided by law. Such amounts shall be allowed in any case wherein counsel conducts the defense of a single charge against the indigent accused through to its conclusion or a charge of violation of probation at any hearing conducted under § 19.2-306; thereafter, compensation for additional charges against the same accused also conducted by the same counsel shall be allowed on the basis of additional time expended as to such additional charges:

1. In a district court, except as provided in subdivisions 2 and 3, (i) a sum not to exceed ~~\$330~~ \$440 or (ii) for a charge of violation of probation for any misdemeanor offense, a sum not to exceed \$180, provided that, notwithstanding the foregoing limitation, the court in its discretion and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia may waive the limitation of fees provided under clause

(i) or (ii) up to an additional \$120 when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver;

2. For a misdemeanor charge in a district court for a violation of § 18.2-266, 18.2-266.1, 18.2-270, or 46.2-341.24, (i) a sum not to exceed ~~\$448~~ \$597 or (ii) for a charge of violation of probation for such a misdemeanor offense, a sum not to exceed \$180, provided that, notwithstanding the foregoing limitation, the court in its discretion and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia may waive the limitation of fees provided under clause (i) or (ii) up to an additional \$120 when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver;

3. For a juvenile charge in a district court, (i) a sum not to exceed ~~\$680~~ \$906 or (ii) for a charge of violation of probation for any offense, a sum not to exceed \$180, provided that, notwithstanding the foregoing limitation, the court in its discretion and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia may waive the limitation of fees provided under clause (i) or (ii) up to (a) an additional \$120 or (b) an additional \$650 for an offense that would be a felony if committed by an adult that may be punishable by confinement in the state correctional facility for a period of more than 20 years or a charge of violation of probation for such offense when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver;

4. In a circuit court (i) to defend a Class 1 felony charge, compensation for each appointed attorney in an amount deemed reasonable by the court; (ii) to defend a felony charge that may be punishable by confinement in the state correctional facility for a period of more than 20 years or any felony violation of § 18.2-35, 18.2-36, 18.2-36.1, 18.2-41, 18.2-51, 18.2-67.3, 18.2-79, 18.2-80, 18.2-370, 18.2-370.1, or 18.2-371.1, a sum not to exceed \$1,692, provided that, notwithstanding the foregoing limitation, the court in its discretion and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia may waive the limitation of fees up to an additional \$850 when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver; (iii) to defend any other felony charge, except those described in clause (i) or (ii), a sum not to exceed ~~\$834~~ \$1,112, provided that, notwithstanding the foregoing limitation, the court in its discretion and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia may waive the limitation of fees up to an additional \$155 when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver; (iv) for a charge of violation of probation for any felony offense, except Class 1 felonies, a sum not to exceed \$445, provided that, notwithstanding the foregoing limitation, the court in its discretion and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia may waive the limitation of fees up to (a) an additional \$850 for a charge of violation of probation for any felony described in clause (ii) or (b) an additional \$155 for a charge of violation of probation of any other felony when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver; (v) to defend a misdemeanor violation of § 18.2-266, 18.2-266.1, 18.2-270, or 46.2-341.24, a sum not to exceed \$448 and to defend any other misdemeanor charge punishable by confinement in jail, a sum not to exceed ~~\$330~~ \$440; (vi) for a charge of violation of probation for any misdemeanor offense, a sum not to exceed \$180; (vii) for a juvenile adjudication appealed from a district court, a sum not to exceed \$680; or (viii) for a charge of violation of probation for any juvenile adjudication appealed from a district court, a sum not to exceed \$180. In the event any case is required to be retried due to a mistrial for any cause or reversed on appeal, the court may allow an additional fee for each case in an amount not to exceed the amounts allowable in the initial trial. In the event counsel is appointed to defend an indigent charged with a felony that is punishable as a Class 1 felony, each attorney appointed shall continue to receive compensation as provided in this paragraph for defending such a felony, regardless of whether the charge is reduced or amended to a lesser felony, prior to final disposition of the case. In the event counsel is appointed to defend an indigent charged with any other felony, such counsel shall receive compensation as provided in this paragraph for defending such a felony, regardless of whether the charge is reduced or amended to a misdemeanor or lesser felony prior to final disposition of the case in either the district court or circuit court.

Counsel appointed to represent an indigent accused in a criminal case, who are not public defenders, may request an additional waiver exceeding the amounts provided for in this section. The request for any additional amount shall be submitted to the presiding judge, in writing, with a detailed accounting of the time spent and the justification for the additional amount. The presiding judge shall determine, subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia, whether the request for an additional amount is justified in whole or in part, by considering the effort expended and the time reasonably necessary for the particular representation, and, if so, shall forward the request as approved to the chief judge of the circuit court or district court for approval. If the presiding judge determines that the request for an additional amount is not justified in whole or in part, such presiding judge shall provide to the requesting

attorney, in writing, the reasons for such determination and shall, if such request has been approved in part, include a copy of such writing when forwarding the request as approved to the chief judge of the circuit court or district court for approval. If the chief judge of the circuit court or district court, upon review of the request as approved, determines, subject to the guidelines issued by the Executive Secretary of the Supreme Court of Virginia, that any part of the request for an additional amount is not justified, such chief judge shall provide to the requesting attorney and to the presiding judge, in writing, the reason for such determination.

If at any time the funds appropriated to pay for waivers under this section become insufficient, the Executive Secretary of the Supreme Court of Virginia shall so certify to the courts and no further waivers shall be approved.

The circuit or district court shall direct the payment of such reasonable expenses incurred by such court-appointed counsel as it deems appropriate under the circumstances of the case. Counsel appointed by the court to represent an indigent charged with repeated violations of the same section of the Code of Virginia, with each of such violations arising out of the same incident, occurrence, or transaction, shall be compensated in an amount not to exceed the fee prescribed for the defense of a single charge, if such offenses are tried as part of the same judicial proceeding. The trial judge shall consider any guidelines established by the Supreme Court but shall have the sole discretion to fix the amount of compensation to be paid counsel appointed by the court to defend a felony charge that is punishable as a Class 1 felony.

The circuit or district court shall direct that the foregoing payments shall be paid out by the Commonwealth, if the defendant is charged with a violation of a statute, or by the county, city, or town, if the defendant is charged with a violation of a county, city, or town ordinance, to the attorney so appointed to defend such person as compensation for such defense.

Counsel representing a defendant charged with a Class 1 felony may submit to the court, on a monthly basis, a statement of all costs incurred and fees charged by him in the case during that month. Whenever the total charges as are deemed reasonable by the court for which payment has not previously been made or requested exceed \$1,000, the court may direct that payment be made as otherwise provided in this section.

When such directive is entered upon the order book of the court, the Commonwealth, county, city, or town, as the case may be, shall provide for the payment out of its treasury of the sum of money so specified. If the defendant is convicted, the amount allowed by the court to the attorney appointed to defend him shall be taxed against the defendant as a part of the costs of prosecution and, if collected, the same shall be paid to the Commonwealth, or the county, city, or town, as the case may be. In the event that counsel for the defendant requests a waiver of the limitations on compensation, the court shall assess against the defendant an amount equal to the pre-waiver compensation limit specified in this section for each charge for which the defendant was convicted. An abstract of such costs shall be docketed in the judgment docket and execution lien book maintained by such court. Notwithstanding any provision to the contrary, no person found indigent pursuant to § 19.2-159 shall have fees assessed against him for any amount paid for his legal representation pursuant to this article in an amount greater than the amount such defendant would have owed if the assessment took place on or before June 30, 2024.

Any statement submitted by an attorney for payments due him for indigent representation or for representation of a child pursuant to § 16.1-266 shall, after the submission of the statement, be forwarded forthwith by the clerk to the Commonwealth, county, city, or town, as the case may be, responsible for payment. Notwithstanding any provision to the contrary, if the court has determined such child's parents or other persons responsible for his care to be indigent pursuant to § 19.2-159, no fee shall be taxed by the clerk against any such child in an amount greater than the amount the clerk would have taxed against such child if the assessment took place on or before June 30, 2024.

For the purposes of this section, the defense of a case may be considered conducted through to its conclusion and an appointed counsel entitled to compensation for his services in the event an indigent accused fails to appear in court subject to a capias for his arrest or a show cause summons for his failure to appear and remains a fugitive from justice for one year following the issuance of the capias or the summons to show cause, and appointed counsel has appeared at a hearing on behalf of the accused.

Effective July 1, 2007, the Executive Secretary of the Supreme Court of Virginia shall track and report the number and category of offenses charged involving adult and juvenile offenders in cases in which court-appointed counsel is assigned. The Executive Secretary shall also track and report the amounts paid by waiver above the initial cap to court-appointed counsel. The Executive Secretary shall provide these reports to the Governor, members of the House Committee on Appropriations, and members of the Senate Committee on Finance and Appropriations on a quarterly basis.

§ 19.2-163.01. Virginia Indigent Defense Commission established; powers and duties.

A. The Virginia Indigent Defense Commission (hereinafter Indigent Defense Commission or Commission) is established. The Commission shall be supervisory and shall have sole responsibility for the powers, duties, operations, and responsibilities set forth in this section.

The Commission shall have the following powers and duties:

1. To publicize and enforce the qualification standards for attorneys seeking eligibility to serve as

547 court-appointed counsel for indigent defendants pursuant to § 19.2-159.

548 2. To develop initial training courses for attorneys who wish to begin serving as court-appointed counsel,
549 and to review and certify legal education courses that satisfy the continuing requirements for attorneys to
550 maintain their eligibility for receiving court appointments.

551 3. To maintain a list of attorneys admitted to practice law in Virginia who are qualified to serve as court-
552 appointed counsel for indigent defendants based upon the official standards and to disseminate the list by July
553 1 of each year and updates throughout the year to the Office of the Executive Secretary of the Supreme Court
554 for distribution to the courts. In establishing and updating the list, the Commission shall consider all relevant
555 factors, including but not limited to, the attorney's background, experience, and training and the
556 Commission's assessment of whether the attorney is competent to provide quality legal representation.

557 4. To establish official standards of practice for court-appointed counsel and public defenders to follow in
558 representing their clients, and guidelines for the removal of an attorney from the official list of those qualified
559 to receive court appointments and to notify the Office of the Executive Secretary of the Supreme Court of any
560 attorney whose name has been removed from the list.

561 5. To develop initial training courses for public defenders and to review and certify legal education
562 courses that satisfy the continuing requirements for public defenders to maintain their eligibility.

563 6. To periodically review and report to the Virginia State Crime Commission, the House and Senate
564 Committees for Courts of Justice, the House Committee on Appropriations, and the Senate Committee on
565 Finance and Appropriations on the caseload handled by each public defender office.

566 7. To maintain all public defender offices established by the General Assembly.

567 8. *To maintain an appellate defender office established by the General Assembly.*

568 9. To hire and employ and, at its pleasure, remove an executive director, counsel, and such other persons
569 as it deems necessary, and to authorize the executive director to appoint, after prior notice to the Commission,
570 a deputy director, and for each of the above offices a public defender *or appellate defender* who shall devote
571 his full time to his duties and not engage in the private practice of law.

572 ~~9- 10.~~ To authorize the public defender *or appellate defender* to employ such assistants as authorized by
573 the Commission.

574 ~~10- 11.~~ To authorize the public defender *or appellate defender* to employ such staff, including secretarial
575 and investigative personnel, as may be necessary to carry out the duties imposed upon the public defender *or*
576 *appellate defender* office.

577 ~~11- 12.~~ To authorize the executive director of the Commission, in consultation with the public defender to
578 secure such office space as needed, to purchase or rent office equipment, to purchase supplies and to incur
579 such expenses as are necessary to carry out the duties imposed upon him.

580 ~~12- 13.~~ To approve requests for appropriations and receive and expend moneys appropriated by the
581 General Assembly of Virginia, to receive other moneys as they become available to it and expend the same in
582 order to carry out the duties imposed upon it.

583 ~~13- 14.~~ To require and ensure that each public defender office collects and maintains caseload data and
584 fields in a case management database on an annual basis.

585 ~~14- 15.~~ To report annually on or before October 1 to the Virginia State Crime Commission, the House and
586 Senate Committees for Courts of Justice, the House Committee on Appropriations, and the Senate Committee
587 on Finance and Appropriations on the state of indigent criminal defense in the Commonwealth, including
588 Virginia's ranking amongst the 50 states in terms of pay allowed for court-appointed counsel appointed
589 pursuant to § 19.2-159 or subdivision C 2 of § 16.1-266.

590 B. The Commission shall adopt rules and procedures for the conduct of its business. The Commission
591 may delegate to the executive director or, in the absence of the executive director, the deputy executive
592 director, such powers and duties conferred upon the Commission as it deems appropriate, including powers
593 and duties involving the exercise of discretion. The Commission shall ensure that the executive director
594 complies with all Commission and statutory directives. Such rules and procedures may include the
595 establishment of committees and the delegation of authority to the committees. The Commission shall review
596 and confirm by a vote of the Commission its rules and procedures and any delegation of authority to the
597 executive director at least every three years.

598 C. The executive director shall, with the approval of the Commission, fix the compensation of each public
599 defender *or appellate defender* and all other personnel in each public defender *or appellate defender* office.
600 The executive director shall also exercise and perform such other powers and duties as may be lawfully
601 delegated to him and such powers and duties as may be conferred or imposed upon him by law.

602 **§ 19.2-163.04. Public defender offices.**

603 ~~Public~~ *The Commission shall maintain public defender offices are established in:*

604 a. ~~The City of Virginia Beach;~~

605 b. ~~The City of Petersburg;~~

606 c. ~~The Cities of Buena Vista, Lexington, Staunton, and Waynesboro and the Counties of Augusta and~~
607 ~~Rockbridge;~~

608 d. ~~The City of Roanoke;~~

609 e. The City of Portsmouth;
 610 f. The City of Richmond;
 611 g. The Counties of Clarke, Frederick, Page, Shenandoah, and Warren, and the City of Winchester;
 612 h. The City and County of Fairfax;
 613 i. The City of Alexandria;
 614 j. The City of Radford and the Counties of Bland, Pulaski, and Wythe;
 615 k. The Counties of Fauquier, Loudoun, and Rappahannock;
 616 l. The City of Suffolk;
 617 m. The City of Franklin and the Counties of Isle of Wight and Southampton;
 618 n. The County of Bedford;
 619 o. The City of Danville;
 620 p. The Counties of Halifax, Lunenburg, and Mecklenburg;
 621 q. The City of Fredericksburg and the Counties of King George, Stafford, and Spotsylvania;
 622 r. The City of Lynchburg;
 623 s. The City of Martinsville and the Counties of Henry and Patrick;
 624 t. The City of Charlottesville and the County of Albemarle;
 625 u. The City of Norfolk;
 626 v. The County of Arlington and the City of Falls Church;
 627 w. The City of Newport News;
 628 x. The City of Chesapeake;
 629 y. The City of Hampton;
 630 z. The Cities of Manassas and Manassas Park and the County of Prince William;
 631 aa. The County of Chesterfield; and
 632 ab. The City of Harrisonburg and the County of Rockingham in every judicial circuit set forth in §
 633 17.1-506.

634 **§ 19.2-163.3. Duties of public defenders.**

635 Public defenders shall carry out the following duties in accordance with the guidance, policies, and
 636 authorizations of the Indigent Defense Commission:

637 (a) To assist the executive director of the Commission in securing office space, to employ a staff, to fix
 638 salaries and to do such other things necessary to carry out the duties imposed upon them with the approval of
 639 the Commission.

640 (b) To represent or supervise assistants in representing ~~within their respective jurisdictions as set out in §~~
 641 ~~19.2-163.04~~ indigent persons charged with a crime or offense when such persons are entitled to be
 642 represented by law by court-appointed counsel in a court of record or a court not of record.

643 (c) To represent or supervise assistants in representing indigent persons who are entitled to be represented
 644 by ~~court-appointed counsel~~ the appellate defender office in an appeal of their conviction to the Court of
 645 Appeals or the Supreme Court of Virginia.

646 (d) To submit such reports as required by the Commission.

647 **§ 19.2-163.4. Inapplicability of §§ 17.1-606 and 19.2-163 where public defender offices established;**
 648 **exception.**

649 In ~~counties and cities in which public defender offices are established pursuant to § 19.2-163.04~~, defense
 650 Defense services for indigents charged with jailable offenses shall be provided by the public defenders unless
 651 (i) the public defender is unable to represent the defendant or petitioner by reason of conflict of interest; (ii)
 652 the court finds that appointment of other counsel is necessary to attain the ends of justice; or (iii) the public
 653 defender, with the concurrence of the executive director of the ~~Virginia~~ Indigent Defense Commission or his
 654 designee, determines that the current active caseload would preclude the public defender from providing
 655 adequate representation to new clients. Except for the provisions of § 19.2-163 relating to reasonable
 656 expenses, §§ 17.1-606 and 19.2-163 shall not apply when defense services are provided by the public
 657 defenders.

658 **§ 19.2-368.2. Definitions.**

659 For the purpose of this chapter:

660 "Claimant" means the person filing a claim pursuant to this chapter.

661 "Commission" means the Virginia Workers' Compensation Commission.

662 "Crime" means an act committed by any person in the Commonwealth of Virginia which would constitute
 663 a crime as defined by the Code of Virginia or at common law. However, no act involving the operation of a
 664 motor vehicle which results in injury shall constitute a crime for the purpose of this chapter unless the injuries
 665 (i) were intentionally inflicted through the use of such vehicle or (ii) resulted from a violation of § 18.2-51.4
 666 or 18.2-266 or from a felony violation of § 46.2-894.

667 "Family," when used with reference to a person, means (i) any person related to such person within the
 668 third degree of consanguinity or affinity, (ii) any person residing in the same household with such person, or
 669 (iii) a spouse.

670 "Sexual abuse" means sexual abuse as defined in subdivision 6 of § 18.2-67.10 and acts constituting rape,

671 sodomy, object sexual penetration or sexual battery as defined in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of
672 Title 18.2.

673 "Victim" means a person who (i) suffers personal physical injury or death as a direct result of a crime,
674 including a person who is injured or killed as a result of foreign terrorism or who suffers personal emotional
675 injury as a direct result of being the subject of a violent felony offense as defined in subsection C of §
676 17.1-805, ~~or~~ stalking as described in § 18.2-60.3, ~~or~~ attempted robbery, or abduction, *or (ii) is awarded*
677 *restitution pursuant to § 19.2-305 or 19.2-305.1.*

678 **§ 53.1-124. Sheriffs and jail superintendents to report to the courts.**

679 A. If requested by the judge, the sheriffs of all local jails and the jail superintendents of all regional jails of
680 this Commonwealth shall, on the first day of each term of the circuit court, make written reports to the judge
681 thereof, to the attorney for the Commonwealth, and to city attorneys whose duties include prosecuting certain
682 cases, showing the number of prisoners in jail on that day. The report shall show the name, date of
683 commitment, offense and sentence of each prisoner. The judge of such court, after examining the report, shall
684 enter an order directing the clerk to file the same in the clerk's office of such court.

685 B. If requested by the chief judge of the circuit court, general district court, or juvenile and domestic
686 relations district court, the sheriffs of all local jails and the jail superintendents of all regional jails of the
687 Commonwealth shall report semimonthly to the circuit court, general district court, and juvenile and domestic
688 relations district court, to the attorney for the Commonwealth, and to the public defender, ~~if any, as~~
689 ~~established in Article 3.1 (§ 19.2-163.01 et seq.) of Chapter 10 of Title 19.2,~~ showing the number of prisoners
690 in jail on that day awaiting trial. The report shall include the name, offense, date of commitment to jail, and
691 amount of bail established.

692 C. If requested by the judge, the sheriffs of all local jails and the jail superintendents of all regional jails
693 shall report weekly to the juvenile and domestic relations district court located within that county, city or
694 region concerning the identity and number of juveniles kept in their jails and the length of time such juveniles
695 have been incarcerated therein.

696 **2. That this Act shall be known as the Virginia Access to Justice Act.**