Department of Planning and Budget 2025 General Assembly Session State Fiscal Impact Statement

PUBLISHED: 1/15/2025 9:01 AM ORIGINAL

Bill Number: SB999 **Patron:** Surovell **Bill Title:** Appeals; security for appeal and fees; procedure on appeal.

Bill Summary: Under current law, the appellate court is required to assess attorney fees, costs, and necessary expenses against an indigent defendant when the conviction of the defendant is upheld on appeal. This bill provides an appellate court with discretion in assessing such fees, costs, and expenses against an indigent defendant when the conviction of the defendant is upheld on appeal.

This bill changes the amount of the suspending bond required during the pendency of all appeals of any judgment granting legal, equitable, or any other form of relief from one year's interest calculated from the date of the notice of appeal to the value of the judgment plus two and one-half years' interest calculated from the date of the notice of appeal.

The bill also provides that a panel of the Court of Appeals may dispense with oral argument if the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument. An enactment clause provides that this provision shall expire on June 30, 2027, unless reenacted by the 2027 Session of the General Assembly.

Budget Amendment Necessary: No Items Impacted: N/A

Explanation: N/A

Fiscal Summary: This bill would have an indeterminate impact on revenue collected by Courts.

Fiscal Analysis: This bill gives appeals courts discretion over whether attorney fees, costs, and necessary expenses incident to the appeal, which have been paid by the Commonwealth, will be assessed against an indigent defendant when the conviction is upheld on appeal. Currently, these amounts must be assessed against such defendants. Therefore, this bill will have a fiscal impact, in that the Commonwealth will not receive payments from such individuals who otherwise would have been ordered to pay. However, the number of cases wherein the appeals court would decide not to assess the amounts against the defendant cannot be known. Historical information on the fees assessed on such cases is not readily available. This fiscal impact statement will be revised if the information becomes available.

Other: None