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

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ORIGINAL

Bill Number:HB2322Patron:DavisBill Title:Appointment of counsel for accused; felonies punishable by a mandatory minimum term of confinement for life.

Bill Summary: Requires that in cases in which an indigent defendant is charged with any felony punishable by a mandatory minimum term of confinement for life, the court must appoint two competent, qualified, and experienced attorneys from the list maintained by the Indigent Defense Commission to represent the defendant. The bill also applies this provision if an indigent defendant is charged in a jurisdiction in which a public defender office is established. Court-appointed counsel for such cases would be compensated according to current limitations set out in § 19.2-163 (Compensation of court-appointed counsel). Current law requires the court to appoint two such attorneys only in cases in which an indigent defendant is charged with a Class 1 felony.

Budget Amendment Necessary:IndeterminateItems Impacted:IndeterminateExplanation:See below

Fiscal Summary: According to the Office of the Executive Secretary of the Supreme Court (OES), by expanding the types of cases covered, this bill would have an indeterminate fiscal impact on the Criminal Fund.

Agency	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030
Circuit Court (Criminal Fund)		Indeterminate	Indeterminate	Indeterminate	Indeterminate	Indeterminate
Indigent Defense Commission		Indeterminate	Indeterminate	Indeterminate	Indeterminate	Indeterminate
TOTAL		Indeterminate	Indeterminate	Indeterminate	Indeterminate	Indeterminate

General Fund Expenditure Impact:

Fiscal Analysis: OES reports that \$467,507 was spent for court-appointed counsel representing 21 indigent defendants for Class 1 felonies in FY 2024. However, OES does not have information on amounts currently spent representing defendants who were charged with offenses that had a mandatory minimum term of confinement for life that were not Class 1 felonies. Therefore, the impact on the Criminal Fund cannot be determined at this time.

The impact this bill may have on the Indigent Defense Commission is also not known at this time.

Other: None