

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: HB852

Patron: Cousins

Bill Title: Indigent defendant; abolition of fees, legal representation, jury trial costs, report.

Bill Summary: Eliminates the fees for the cost of court-appointed counsel or public defender representation for persons who are determined to be indigent. The bill also eliminates fees for persons who utilize a jury trial. The bill contains a reenactment clause for such elimination of fees.

The bill also directs the Indigent Defense Commission to convene a work group with all relevant stakeholders, including the Attorney General or his designee, the Executive Secretary of the Supreme Court or his designee, and the Secretary of Health and Human Resources or his designee; representatives from the Compensation Board, the Virginia Crime Commission, the Virginia Joint Legislative Audit and Review Commission, the Virginia Court Clerk's Association, the Virginia Association of Commonwealth's Attorneys, and the Virginia Probation and Parole Association; a minimum of two criminal justice reform organizations working on fees and other financial assessments imposed in criminal prosecutions in Virginia; and a minimum of two people who have been billed for exercising their constitutional right to counsel through representation by court appointed counsel or their right to a trial by a jury of their peers to identify, in regard to charges for exercising constitutional rights to counsel or to a jury, (i) current collections practices; (ii) where funds that are currently received or collected are directed; (iii) the impact of the reduction in the burden on individuals currently assessed with such fees; (iv) what other states have done to avoid or eliminate public defense and trial by jury costs; and (v) a plan for eliminating these fees no later than July 1, 2027. The bill requires the work group to submit an executive summary and report of its findings and recommendations to the Governor and the General Assembly by November 1, 2026, that includes (a) current practices for implementation and collection of criminal court debt; (b) recommendations for implementing the provisions of the bill related to elimination of fees, if reenacted by the 2027 Session of the General Assembly, including planning the elimination of public defense and trial by jury costs; and (c) any other recommendations on related costs or fees that may be eliminated.

Budget Amendment Necessary: No

Items Impacted: N/A

Explanation: This bill would eliminate the fees for court-appointed counsel or public defender representation, as well as jury costs, from being assessed against a defendant when there is a finding of guilt in a criminal matter.

Fiscal Summary: This bill is anticipated to reduce general fund revenues by approximately \$11,740,708 annually beginning in FY2027 on the Office of the Executive Secretary (OES) of the Supreme Court of Virginia and reduce local revenues by approximately \$549,255 annually beginning in FY2027.

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General Fund Revenue Impact:

<u>Agency</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	<u>FY2031</u>
OES		(\$11,740,708)	(\$11,740,708)	(\$11,740,708)	(\$11,740,708)	(\$11,740,708)
TOTAL		(\$11,740,708)	(\$11,740,708)	(\$11,740,708)	(\$11,740,708)	(\$11,740,708)

Fiscal Analysis: According to the Office of the Executive Secretary (OES) of the Supreme Court of Virginia, in Fiscal Years 2023-2025, an average of \$33,025,450 in legal representation fees was assessed against indigent defendants who had been found guilty on state charges, and an average of \$11,502,516 was collected for these fees annually. During the same timeframe an average of \$1,573,505 was assessed against defendants for jury costs annually, with an average of \$238,192 being collected. These collected amounts would be forgone if this bill were to be implemented. Revenues generated from court fees are deposited to the General Fund and therefore the fiscal impact is a reduction on General Fund revenues.

Defendants can also be charged for local violations, where the fees associated with the local violations are retained by the locality. In Fiscal Years 2023-2025 an average of \$45,864 in legal representation fees were assessed against defendants who were charged for local violations, and an average of \$34,417 was collected annually. An average of \$837,498 was assessed in jury costs for local violations, with \$514,838 collected annually.

Other: None.