

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

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**ORIGINAL**

**Bill Number:** HB852H1

**Patron:** Cousins

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

**Bill Summary:** This substitute 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 also directs the Indigent Defense Commission to convene a work group, in consultation with the Executive Secretary of the Supreme Court or his designee, and all relevant stakeholders, including the Attorney General or his designee and representatives from the Compensation Board, the Virginia State Crime Commission, the Virginia Joint Legislative Audit and Review Commission, the Virginia Court Clerk's Association, the Virginia Association of Commonwealth's Attorneys, the Virginia Probation and Parole Association, staff from the House Appropriations and Senate Finance and Appropriations Committees, and two criminal justice reform organizations that work on fees and other financial assessments imposed in criminal prosecutions in Virginia.

The work group shall examine issues surrounding fees and other financial assessments imposed in criminal prosecutions, including (i) identifying current collections practices for all fees assessed to defendants, including (a) amounts assessed and collected by type of offense, (b) any guidelines or data related to the fees assessed for various types of cases, (c) the allocation between state and local reimbursement, and (d) available data on the imposition of interest, collection costs, and other additional costs on delinquent accounts; (ii) determining the use of funds received as a result of fee payments, including determining any programs such funds support, and the programs' reliance on such funds; (iii) evaluating the burden of a fee assessment on indigent individuals; (iv) identifying practices used by other states to avoid, eliminate, or lessen public defense and trial by jury costs; (v) developing options other than fee elimination to lessen the burden on indigent defendants, such as fee caps; and (vi) identifying potential methods to limit, phase out, or eliminate fees. When developing recommendations specific to fee lessening or elimination, the work group shall also consider recommendations to address current outstanding balances. The work group shall submit an interim executive summary and report of its findings and recommendations to the Governor and the General Assembly by November 1, 2026, and a final report no later than November 1, 2027.

The bill has two reenactment clauses that require action by the 2027 and 2028 sessions of the General Assembly.

**Budget Amendment Necessary:** No

**Items Impacted:** N/A

**Explanation:** See fiscal analysis below

**Fiscal Summary:** This bill requires reenactment by the 2027 and 2028 sessions of the General Assembly. If this bill is enacted, the earliest it would be implemented is FY2029. It is anticipated this bill would reduce general

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fund revenues by approximately \$11,740,708 annually beginning in FY2029 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 FY2029.

**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)
<b>TOTAL</b>				<b>(\$11,740,708)</b>	<b>(\$11,740,708)</b>	<b>(\$11,740,708)</b>

**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.

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.