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SENATE BILL NO. 848

Offered January 13, 2027

Prefiled October 26, 2026

A BILL to create a two-year pilot program for the compensation of private court-appointed counsel in the Cities of Newport News and Hampton; hourly rate; felony fee caps; report; sunset.

Patron—Locke

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. § 1. A. *That there is hereby established a two-year pilot program to increase the availability of private attorneys qualified to serve as appointed counsel for indigent defendants in criminal matters in the Cities of Newport News and Hampton.*

B. Notwithstanding the provisions of § 19.2-163 of the Code of Virginia or any other provision of law to the contrary, a private attorney appointed by a court in the City of Newport News or the City of Hampton during the pilot program shall be compensated at a rate of \$150 per hour for legal services reasonably performed pursuant to such appointment.

C. No statutory or administrative fee cap shall apply to compensation requested by appointed counsel, provided that the amount requested is supported by documentation and is approved by the court as reasonable and necessary expenses. An attorney seeking compensation shall file with the court a detailed accounting of time expended, including itemized time entries sufficient to allow the court to determine the nature of the services performed, the time reasonably necessary for such services, and the total amount requested. 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. 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.

D. For the purposes of this act, 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.

E. The General Assembly shall appropriate sufficient funds for the implementation of the pilot program, including funds necessary to compensate participating private court-appointed attorneys as provided by this act.

F. The Office of the Executive Secretary of the Supreme Court of Virginia shall develop any forms, procedures, or guidance necessary to implement the pilot program and may require participating attorneys to submit additional information as necessary to administer payments and evaluate the operation of the pilot program.

G. The Office of the Executive Secretary of the Supreme Court of Virginia shall report on the implementation of the pilot program to the Chairs of the House and Senate Committees for Courts of Justice, House Committee on Appropriations, and Senate Committee on Finance and Appropriations on or before December 1, 2028. The report shall include, to the extent available, the number of participating attorneys, the number and types of cases assigned, total amounts paid, average hours billed by case type, and any recommendations concerning continuation, expansion, modification, or termination of the pilot program.

2. That the provisions of this act shall expire on June 30, 2029.

INTRODUCED

SB848