

Department of Planning and Budget 2022 Fiscal Impact Statement

1. Bill Number: HB594

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Scott, D.L.

3. Committee: House Committee for Courts of Justice

4. Title: Appointment and supervision of magistrates

5. Summary: The proposed bill gives supervisory control over the magistrate system to the chief circuit court judge and the Committee on District Courts and abolishes magisterial regions. Under current law, the Executive Secretary of the Virginia Supreme Court exercises such authority with a provision for consultation with the chief judges of the circuit courts in the region where the appointment is made.

6. Budget Amendment Necessary: Yes, Item 48

7. Fiscal Impact Estimates: Preliminary (see Item #8)

8. Fiscal Implications: According to the Office of the Executive Secretary of the Supreme Court (OES), magistrates currently operate within established regions, where a magistrate's jurisdiction is not limited to a single judicial district. This allows magistrates to provide services in matters arising in nearby judicial districts within the same region. This regionalization increases efficiency, as a magistrate can assist for judicial districts where either no magistrate is available or a heavy volume of requests for service creates a backup.

Under the proposed bill, every district would have to have a sufficient number of magistrates to adequately provide prompt service. According to OES, to account for magistrate vacancies, training, vacation time, sicknesses, family emergencies, and the inability to obtain outside assistance, each office would need a minimum of seven full-time magistrate positions. OES estimates that a total of fifteen new magistrate positions will need to be appointed to reach the minimum magistrate staffing level of seven full-time magistrate positions per office. The estimated general fund fiscal impact for fifteen new magistrate positions is \$1,349,295 annually. Additionally, OES estimates a one-time training related cost for these positions to be \$494,584.

OES believes that under the proposed bill, three new chief magistrate positions will be needed. The estimated annual general fund impact for these positions is \$366,876. If the new chief magistrates selected are not currently magistrates, the cost of their one-time training as a magistrate and chief magistrate is estimated to be \$138,066.

The bill assumes that substitute magistrates will be available to supplement staffing levels when necessary. OES notes that retention data shows that, on average, there are 31 vacant positions in the magistrate system. Under the proposed bill, substitute magistrates may be used, in part, to address such issues. The 2017 Virginia Workload Assessment Report shows that judges work an average of 216 days a year. Assuming magistrates will work a similar number of days, the 31 vacant positions will cost the Commonwealth a total of 6,696 8-hour work sessions per year. Assuming the above scenario, if substitute magistrates cover each of these sessions at a total of \$207.69 per session, the estimated annual general fund fiscal impact for substitute magistrates to cover these vacancies would be \$1,390,692. The cost of one-time training for 31 substitute magistrates is estimated to be \$657,789.

9. Specific Agency or Political Subdivisions Affected: Magistrates

10. Technical Amendment Necessary: No

11. Other Comments: None