

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: SB282

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

2. Patron: Ebbin

3. Committee: Senate Committee on the Judiciary

4. Title: Supplementing compensation of public defender

5. Summary: The proposed bill requires the governing body of any county or city that elects to supplement the compensation of the attorney for the Commonwealth, or any of his deputies or his employees, above the salary of any such officer, deputy, or employee to supplement the compensation of the public defender, or any of his deputies or employees.

The bill provides that such supplemental compensation is proportional if the public defender, his deputies, and his other employees are each paid in amounts commensurate to the closest equivalent position in the local Office of the Commonwealth's Attorney, as adjusted for seniority and experience level. However, with the consent of the public defender, a locality may supplement the compensation of the public defender or any of his deputies or his employees using another formula agreed to by the public defender and the locality.

The bill has a delayed effective date of July1, 2024.

6. Budget Amendment Necessary: No

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

8. Fiscal Implications: The proposed bill amends § 19.2-163.01:1. (Supplementing compensation of public defender) to require that the governing body of any county or city that elects to supplement the compensation of the attorney for the Commonwealth, or any of his deputies or employees, above the salary of any such attorney for the Commonwealth, deputy, or employee, pursuant to § 15.2-1605.1, on or after July 1, 2022, must proportionally supplement the compensation of the public defender, or any of his deputies or employees.

The bill does not create a fiscal impact on state agencies. However, there could be a fiscal impact on some localities. Currently, there are 28 public defender offices around the Commonwealth. Out of the 28, eleven offices operate in localities that currently provide a local compensation supplement to public defenders. Since most public defender offices serve multiple localities, the local fiscal impact is split between localities being served. Under the provisions of this bill, as many as 17 additional public defender offices could be eligible for a locally funded compensation supplement and several others may be required to adjust the

supplement they currently pay in order to meet the requirements of the bill. The bill provision that allows the locality and public defender office to agree to an alternative funding formula could lessen the overall fiscal impact of this bill.

9. Specific Agency or Political Subdivisions Affected: Localities

10. Technical Amendment Necessary: No

11. Other Comments: None