

2022 SESSION

INTRODUCED

22103779D

SENATE BILL NO. 282

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend and reenact § 19.2-163.01:1 of the Code of Virginia, relating to supplementing compensation of public defender.*

Patron—Ebbin

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-163.01:1 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-163.01:1. Supplementing compensation of public defender.

A. The governing body of any county or city may supplement the compensation of the public defender or any of his deputies or employees above the compensation fixed by the executive director, in such amounts as it may deem expedient. Such additional compensation shall be wholly payable from the funds of any such county or city.

B. *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, shall proportionally supplement the compensation of the public defender, or any of his deputies or employees. Supplemental compensation under this section 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.*

C. Due to the privileged and protected nature of the attorney-client relationship and the statutory scope of representation provided in §§ 19.2-157 and 19.2-163.3, no county or city providing a supplement to compensation under this section shall place any condition or requirement upon the receipt of such funds.

D. Funds provided by any county or city under this section shall be paid directly to the employees with notice to the Indigent Defense Commission of any amount so provided.

2. That the provisions of this act shall become effective on July 1, 2024.

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