



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2027 Biennium

Bill#/Title: HB0116: Provide for attorneys to appear remotely

Primary Sponsor: Valerie Moore Status: As Introduced

☐ Included in the Executive Budget ☒ Needs to be included in HB 2 ☐ Significant Local Gov Impact

☐ Significant Long-Term Impacts ☐ Technical Concerns ☐ Dedicated Revenue Form Attached

### FISCAL SUMMARY

	<u>FY 2026</u> <u>Difference</u>	<u>FY 2027</u> <u>Difference</u>	<u>FY 2028</u> <u>Difference</u>	<u>FY 2029</u> <u>Difference</u>
<b>Expenditures</b>				
General Fund (01)	(\$164,197)	(\$164,197)	(\$166,660)	(\$169,160)
<b>Revenues</b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b>Net Impact</b>	<u>\$164,197</u>	<u>\$164,197</u>	<u>\$166,660</u>	<u>\$169,160</u>
<b>General Fund Balance</b>				

### Description of fiscal impact

HB 116 encourages courts to increase the number of court hearings that public defenders are allowed to handle remotely and potentially reduce the need for attorney court travel time and mileage and per diem costs. HB 116 does not mandate remote appearances.

### FISCAL ANALYSIS

#### Assumptions

#### Public Defender (OPD)

1. OPD assumes that due to the travel and in-person restrictions in place during COVID 19, FY 2021 is roughly representative of the costs associated with courts most liberally allowing remote court appearances. Actual savings realized would be reduced to the degree to which individual courts choose to continue to mandate in-person appearances.
2. OPD assumes representative savings can be captured by calculating the increase in travel between FY 2021 and FY 2024. OPD saw 8,545 contract attorney travel hours in FY 2024 compared to FY 2021, an increase of 1,019 hours.
3. OPD's expected contractor rate for travel in FY 2025 is \$90 per hour.
4. OPD therefore calculates the reduction in travel expense for attorney time to be 1,019 hours at \$90 per hour, or \$91,710 for contracted attorney travel time.
5. OPD also assumes a reduction in FTE attorney travel time. In FY 2021, court travel hours were 4.92% of total FTE court hours. In FY 2023 and FY 2024, court travel hours averaged 10.31% of total court hours. That increase from 4.92% to 10.31%, represents an average increase of 2,096 court travel hours per year in FY 2023 and FY 2024, which equates to 1.4 FTE worth of case work.

**Fiscal Note Request - As Introduced***(continued)*

6. OPD assumes that this FTE travel reduction would decrease the necessary attorney shortfall by 1.4 FTE, which would reduce the number of cases that go unassigned beyond 14 days, but not result in realized savings due to OPD's remaining attorney shortfall.
7. OPD assumes direct savings of \$72,487 for mileage and per diem costs associated with both FTE and contracted attorneys. Saved per diem is estimated at \$7,000. Saved FTE mileage is estimated at 60 miles per hour at 19.5 cents per mile for motor pool transportation for the 2,096 FTE hours saved for a total of \$24,523 per year. Saved contract attorney mileage is estimated at 60 miles per hour at 67 cents per mile for the 1,019 contract hours saved for a total of \$40,964.
8. OPD assumes total operational costs savings to be \$91,710 plus \$72,487, for a total of \$164,197 per year.
9. OPD assumes an inflation rate of 1.5% over the prior year for FY 2028 and FY 2029.

**Judiciary**

1. There is no fiscal impact for the Judicial Branch.

**Fiscal Analysis Table**

<b>Public Defender</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
	<b><u>Difference</u></b>	<b><u>Difference</u></b>	<b><u>Difference</u></b>	<b><u>Difference</u></b>
<b><u>Fiscal Impact</u></b>				
<b><u>Expenditures</u></b>				
Operating Expenses	(\$164,197)	(\$164,197)	(\$166,660)	(\$169,160)
<b>TOTAL Expenditures</b>	<b>(\$164,197)</b>	<b>(\$164,197)</b>	<b>(\$166,660)</b>	<b>(\$169,160)</b>
<b><u>Funding of Expenditures</u></b>				
General Fund (01)	(\$164,197)	(\$164,197)	(\$166,660)	(\$169,160)
<b>TOTAL Funding of Expenditures</b>	<b>(\$164,197)</b>	<b>(\$164,197)</b>	<b>(\$166,660)</b>	<b>(\$169,160)</b>
<b><u>Revenues</u></b>				
<b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u></b>				
General Fund (01)	\$164,197	\$164,197	\$166,660	\$169,160

**Effect on County or Other Local Revenues or Expenditures****Judiciary**

1. The Judicial Branch does not know about courts of limited jurisdictions as the Branch does not support their courtroom technology.

*Va more*

Sponsor's Initials

*1/7/25*

Date

*RO*

Budget Director's Initials

*1/2/2025*

Date