

HOUSE BILL NO. 1429

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Anderson)

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

**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, 2023, shall proportionally supplement the compensation of the public defender, or any of his deputies or employees, commensurate with the compensation of the attorney for the Commonwealth, or any of his deputies or employees. Such additional compensation shall be wholly payable from the funds of any such county or city. However, if the Office of the Public Defender serves multiple localities, the supplement from the governing body of the county or city shall further be commensurate with the proportional caseload of the Office of the Public Defender for that 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.

