

**— ALERT —**

**Capitol Contact**

**2020 Virginia General Assembly**



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## **Capitol Contact ALERT – Oppose Unfunded Mandate for Public Defender Salary Increases**

A problematic bill that mandates local governments supplement public defenders' salaries narrowly passed the House of Delegates and will be heard by the Senate Judiciary Committee on Wednesday, February 19.

[HB 869 \(Bourne\)](#) requires that the governing body of any County or City that supplements the compensation of the Attorney for the Commonwealth, or any of their deputies or employees, above the salary of any such Attorney of the Commonwealth, deputy, or employee, to proportionally supplement the compensation of the public defender, or any of his deputies or employees.

**ACTION REQUIRED** – Contact legislators on the [Senate Judiciary Committee](#) to oppose HB 869.

### **KEY POINTS**

- If any locality supplements its Commonwealth's Attorney's salary – as many, if not most, localities already do – this creates an unfunded mandate requiring that they also supplement Public Defenders' salaries.
- Commonwealth's Attorneys are independently elected, constitutional officers, while Public Defenders are state employees. Requiring local governments to

fund state employees sets a dangerous precedent.

- The legislation lacks clarity on how to properly address Commonwealth's Attorney's offices or Public Defender's offices that are shared by multiple localities.
- The legislation lacks clarity on how to address supplements to positions that exist in a Commonwealth's Attorney's office but do not exist in a Public Defender's office.
- Local discretionary funding decisions must remain local governing body decisions.
- This would take effect for any supplement made on or after July 1, 2020, meaning that it directly affects local budgets now under development.

HB 869 narrowly escaped the House Courts of Justice Committee, first *failing* to report, 11-11, but eventually reporting to the House, 12-10, after the vote was reconsidered. On the House floor, the bill barely survived by a razor thin, two-vote margin (48-50). HB 869 will be heard now by the Senate Judiciary Committee on Wednesday afternoon – one half hour after the adjournment of the full Senate.

## **KEY CONTACTS**

**[Senate Judiciary Committee](#) – Email entire committee**

**[Senate Judiciary Committee](#): [Edwards \(Chair\)](#), [Saslaw](#), [Norment](#), [Lucas](#), [Obenshain](#), [McDougle](#), [Stuart](#), [Stanley](#), [Chafin](#), [Deeds](#), [Petersen](#), [Surovell](#), [McClellan](#), [Boysko](#), [Morrissey](#)**

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