

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 16.1-266, 19.2-159, 19.2-163.7, 19.2-163.8 and 53.1-124 of the Code of*
 3 *Virginia, to amend the Code of Virginia by adding in Chapter 10 of Title 19.2 an article numbered*
 4 *3.1, consisting of sections numbered 19.2-163.01 through 19.2-163.04, and 19.2-163.4:1 and to*
 5 *repeal §§ 19.2-163.1, 19.2-163.2 and 19.2-163.6 of the Code of Virginia, relating to public*
 6 *defenders.*

[S 330]

8 Approved

9 **Be it enacted by the General Assembly of Virginia:**

10 **1. That §§ 16.1-266, 19.2-159, 19.2-163.7, 19.2-163.8 and 53.1-124 of the Code of Virginia are**
 11 **amended and reenacted, and that the Code of Virginia is amended by adding in Chapter 10 of**
 12 **Title 19.2 an article numbered 3.1, consisting of sections numbered 19.2-163.01 through**
 13 **19.2-163.04, and 19.2-163.4:1 as follows:**

14 § 16.1-266. Appointment of counsel and guardian ad litem.

15 A. Prior to the hearing by the court of any case involving a child who is alleged to be abused or
 16 neglected or who is the subject of an entrustment agreement or a petition seeking termination of residual
 17 parental rights or who is otherwise before the court pursuant to subdivision A 4 of § 16.1-241 or
 18 § 63.2-1230, the court shall appoint a discreet and competent attorney-at-law as guardian ad litem to
 19 represent the child pursuant to § 16.1-266.1.

20 B. Prior to the detention review hearing or the adjudicatory or transfer hearing by the court of any
 21 case involving a child who is alleged to be in need of services, in need of supervision or delinquent,
 22 such child and his parent, guardian, legal custodian or other person standing in loco parentis shall be
 23 informed by a judge, clerk or probation officer of the child's right to counsel and of the liability of the
 24 parent, guardian, legal custodian or other person standing in loco parentis for the costs of such legal
 25 services pursuant to § 16.1-267 and be given an opportunity to:

26 1. Obtain and employ counsel of the child's own choice; or

27 2. If the court determines that the child is indigent within the contemplation of the law pursuant to
 28 the guidelines set forth in § 19.2-159 and his parent, guardian, legal custodian or other person standing
 29 in loco parentis does not retain an attorney for the child, a statement of indigence substantially in the
 30 form provided by § 19.2-159 and a financial statement shall be executed by such child, and the court
 31 shall appoint an attorney-at-law from the list maintained by the Indigent Defense Commission pursuant
 32 to § 19.2-163.01 to represent him; or

33 3. Waive the right to representation by an attorney, if the court finds the child and the parent,
 34 guardian, legal custodian or other person standing in loco parentis of the child consent, in writing, to
 35 such waiver and that the interests of the child and the parent, guardian, legal custodian or other person
 36 standing in loco parentis in the proceeding are not adverse. Such written waiver shall be in accordance
 37 with law and shall be filed with the court records of the case.

38 C. A judge, clerk or probation officer shall inform the parent or guardian of his right to counsel prior
 39 to the adjudicatory hearing of a petition in which a child is alleged to be abused or neglected or at risk
 40 of abuse or neglect as provided in subdivision A 2 a of § 16.1-241 and prior to a hearing at which a
 41 parent could be subjected to the loss of residual parental rights. In addition, prior to the hearing by the
 42 court of any case involving any other adult charged with abuse or neglect of a child, this adult shall be
 43 informed of his right to counsel. This adult and the parent or guardian shall be given an opportunity to:

44 1. Obtain and employ counsel of the parent's, guardian's or other adult's own choice; or

45 2. If the court determines that the parent, guardian or other adult is indigent within the contemplation
 46 of the law pursuant to the guidelines set forth in § 19.2-159, a statement substantially in the form
 47 provided by § 19.2-159 and a financial statement shall be executed by such parent, guardian or other
 48 adult and the court shall appoint an attorney-at-law to represent him; or

49 3. Waive the right to representation by an attorney in accordance with the provisions of § 19.2-160.

50 If the identity or location of a parent or guardian is not reasonably ascertainable or a parent or
 51 guardian fails to appear, the court shall consider appointing an attorney-at-law to represent the interests
 52 of the absent parent or guardian, and the hearing may be held.

53 Prior to a hearing at which a child is the subject of an initial foster care plan filed pursuant to
 54 § 16.1-281, a foster care review hearing pursuant to § 16.1-282 and a permanency planning hearing
 55 pursuant to § 16.1-282.1, the court shall consider appointing counsel to represent the child's parent or
 56 guardian.

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57 D. In those cases described in subsections A, B and C which in the discretion of the court require
58 counsel or a guardian ad litem to represent the child or children or the parent or guardian or other adult
59 party in addition to the representation provided in those subsections, a discreet and competent
60 attorney-at-law may be appointed by the court as counsel or a guardian ad litem.

61 E. In all other cases which in the discretion of the court require counsel or a guardian ad litem, or
62 both, to represent the child or children or the parent or guardian, discreet and competent attorneys-at-law
63 may be appointed by the court. However, in cases where the custody of a child or children is the subject
64 of controversy or requires determination and each of the parents or other persons claiming a right to
65 custody is represented by counsel, the court shall not appoint counsel or a guardian ad litem to represent
66 the interests of the child or children unless the court finds, at any stage in the proceedings in a specific
67 case, that the interests of the child or children are not otherwise adequately represented.

68 F. Any state or local agency, department, authority or institution and any school, hospital, physician
69 or other health or mental health care provider shall permit a guardian ad litem appointed pursuant to this
70 section to inspect and copy, without the consent of the child or his parents, any records relating to the
71 child whom the guardian represents upon presentation by him of a copy of the court order appointing
72 him or a court order specifically allowing him such access. Upon request therefor by the guardian ad
73 litem made at least 72 hours in advance, a mental health care provider shall make himself available to
74 conduct a review and interpretation of the child's treatment records which are specifically related to the
75 investigation. Such a request may be made in lieu of or in addition to inspection and copying of the
76 records.

77 § 19.2-159. Determination of indigency; guidelines; statement of indigence; appointment of counsel.

78 If the accused shall claim that he is indigent, and the charge against him is a criminal offense which
79 may be punishable by death or confinement in the state correctional facility or jail, subject to the
80 provisions of § 19.2-160, the court shall determine from oral examination of the accused or other
81 competent evidence whether or not the accused is indigent within the contemplation of law pursuant to
82 the guidelines set forth in this section.

83 In making its finding, the court shall determine whether or not the accused is a current recipient of a
84 state or federally funded public assistance program for the indigent. If the accused is a current recipient
85 of such a program and does not waive his right to counsel or retain counsel on his own behalf, he shall
86 be presumed eligible for the appointment of counsel. This presumption shall be rebuttable where the
87 court finds that a more thorough examination of the financial resources of the defendant is necessary. If
88 the accused shall claim to be indigent and is not presumptively eligible under the provisions of this
89 section, then a thorough examination of the financial resources of the accused shall be made with
90 consideration given to the following:

91 1. The net income of the accused, which shall include his total salary and wages minus deductions
92 required by law. The court also shall take into account income and amenities from other sources
93 including but not limited to social security funds, union funds, veteran's benefits, other regular support
94 from an absent family member, public or private employee pensions, dividends, interests, rents, estates,
95 trusts, or gifts.

96 2. All assets of the accused which are convertible into cash within a reasonable period of time
97 without causing substantial hardship or jeopardizing the ability of the accused to maintain home and
98 employment. Assets shall include all cash on hand as well as in checking and savings accounts, stocks,
99 bonds, certificates of deposit, and tax refunds. All personal property owned by the accused which is
100 readily convertible into cash shall be considered, except property exempt from attachment. Any real
101 estate owned by the accused shall be considered in terms of the amounts which could be raised by a
102 loan on the property. For purposes of eligibility determination, the income, assets, and expenses of the
103 spouse, if any, who is a member of the accused's household, shall be considered, unless the spouse was
104 the victim of the offense or offenses allegedly committed by the accused.

105 3. Any exceptional expenses of the accused and his family which would, in all probability, prohibit
106 him from being able to secure private counsel. Such items shall include but not be limited to costs for
107 medical care, family support obligations, and child care payments.

108 The available funds of the accused shall be calculated as the sum of his total income and assets less
109 the exceptional expenses as provided in paragraph 3 above. If the accused does not waive his right to
110 counsel or retain counsel on his own behalf, counsel shall be appointed for the accused if his available
111 funds are equal to or below 125% *percent* of the federal poverty income guidelines prescribed for the
112 size of the household of the accused by the federal Department of Health and Human Services. The
113 Supreme Court of Virginia shall be responsible for distributing to all courts the annual updates of the
114 federal poverty income guidelines made by the Department.

115 If the available funds of the accused exceed 125% *percent* of the federal poverty income guidelines
116 and the accused fails to employ counsel and does not waive his right to counsel, the court may, in
117 exceptional circumstances, and where the ends of justice so require, appoint an attorney to represent the

118 accused. However, in making such appointments, the court shall state in writing its reasons for so doing.
119 The written statement by the court shall be included in the permanent record of the case.

120 If the court determines that the accused is indigent as contemplated by law pursuant to the guidelines
121 set forth in this section, the court shall provide the accused with a statement which shall contain the
122 following:

123 "I have been advised this day of, 20. . ., by the
124 (name of court) court of my right to representation by counsel in the trial of
125 the charge pending against me; I certify that I am without means to employ
126 counsel and I hereby request the court to appoint counsel for me."

127 (signature of accused)

128 The court shall also require the accused to complete a written financial statement to support the
129 claim of indigency and to permit the court to determine whether or not the accused is indigent within
130 the contemplation of law. The accused shall execute the said statements under oath, and the said court
131 shall appoint competent counsel to represent the accused in the proceeding against him, including an
132 appeal, if any, until relieved or replaced by other counsel.

133 The executed statements by the accused and the order of appointment of counsel shall be filed with
134 and become a part of the record of such proceeding.

135 All other instances in which the appointment of counsel is required for an indigent shall be made in
136 accordance with the guidelines prescribed in this section.

137 Except in jurisdictions having a public defender pursuant to Article 4 (§19.2-163.1 et seq.) of
138 Chapter 40 of Title 19.2, counsel appointed by the court for representation of the accused shall be
139 selected by a fair system of rotation among members of the bar practicing before the court whose
140 practice regularly includes representation of persons accused of crimes and who have indicated their
141 willingness to accept such appointments whose names are on the list maintained by the Indigent Defense
142 Commission pursuant to § 19.2-163.01.

143 Article 3.1.

144 § 19.2-163.01. Virginia Indigent Defense Commission established; powers and duties.

145 A. The Virginia Indigent Defense Commission (hereinafter Indigent Defense Commission or
146 Commission) is established. The Commission shall have the following powers and duties:

147 1. To publicize and enforce the qualification standards for attorneys seeking eligibility to serve as
148 court-appointed counsel for indigent defendants pursuant to § 19.2-159.

149 2. To develop initial training courses for attorneys who wish to begin serving as court-appointed
150 counsel, and to review and certify legal education courses that satisfy the continuing requirements for
151 attorneys to maintain their eligibility for receiving court appointments.

152 3. To maintain a list of attorneys admitted to practice law in Virginia who are qualified to serve as
153 court-appointed counsel for indigent defendants based upon the official standards and to disseminate the
154 list by July 1 of each year and updates throughout the year to the Office of the Executive Secretary of
155 the Supreme Court for distribution to the courts. In establishing and updating the list, the Commission
156 shall consider all relevant factors, including but not limited to, the attorney's background, experience,
157 and training and the Commission's assessment of whether the attorney is competent to provide quality
158 legal representation.

159 4. To establish official standards of practice for court-appointed counsel to follow in representing
160 their clients, and guidelines for the removal of an attorney from the official list of those qualified to
161 receive court appointments and to notify the Office of the Executive Secretary of the Supreme Court of
162 any attorney whose name has been removed from the list.

163 5. To develop initial training courses for public defenders and to review and certify legal education
164 courses that satisfy the continuing requirements for public defenders to maintain their eligibility; and to
165 establish standards of practice for public defenders.

166 6. To establish and thereafter maintain, in conjunction with the Virginia State Bar, the Supreme
167 Court and the Virginia State Crime Commission, standards of conduct for indigent defense counsel in
168 Virginia.

169 7. To establish appropriate caseload limits for public defender offices.

170 8. To maintain all public defender and regional capital defender offices established by the General
171 Assembly.

172 9. To hire and employ and, at its pleasure, remove an executive director, counsel, and such other
173 persons as it deems necessary, and to authorize the executive director to appoint for each of the above
174 offices a public defender or capital defender, as the case may be, who shall devote his full time to his
175 duties and not engage in the private practice of law.

176 10. To authorize the public defender or capital defender to employ such assistants as authorized by
177 the Commission.

178 11. To authorize the public defender or capital defender to employ such staff, including secretarial

179 and investigative personnel, as may be necessary to carry out the duties imposed upon the public
180 defender office.

181 12. To authorize the public defender or capital defender to secure such office space as needed, to
182 purchase or rent office equipment, to purchase supplies and to incur such expenses as are necessary to
183 carry out the duties imposed upon him.

184 13. To receive and expend moneys appropriated by the General Assembly of Virginia and to receive
185 other moneys as they become available to it and expend the same in order to carry out the duties
186 imposed upon it.

187 14. To require and ensure that each public defender office collects and maintains caseload data and
188 fields in a case management database on an annual basis.

189 15. To report annually on or before October 1 to the Virginia State Crime Commission, the House
190 and Senate Committees for Courts of Justice, the House Committee on Appropriations, and the Senate
191 Committee on Finance on the state of indigent criminal defense in the Commonwealth, including
192 Virginia's ranking amongst the 50 states in terms of pay allowed for court-appointed counsel appointed
193 pursuant to § 19.2-159 or subdivision B 2 of § 16.1-266.

194 B. The executive director shall, with the approval of the Commission, fix the compensation of each
195 public defender and all other personnel in each public defender office.

196 § 19.2-163.02. Membership of Indigent Defense Commission; expenses.

197 A. The Virginia Indigent Defense Commission shall consist of 12 members, including the chairmen of
198 the House and Senate Committees on Courts of Justice; the chairman of the Virginia State Crime
199 Commission; the Executive Secretary of the Supreme Court or his designee; two attorneys officially
200 designated by the Virginia State Bar; two persons appointed by the Governor; two persons appointed by
201 the Speaker of the House of Delegates; and two persons appointed by the Senate Committee on
202 Privileges and Elections. At least one of the appointments made by the Governor, one of the
203 appointments made by the Speaker, and one of the appointments made by the Senate Committee on
204 Privileges and Elections, shall be an attorney in private practice with a demonstrated interest in
205 indigent defense issues. Persons who are appointed by virtue of their office shall hold terms coincident
206 with their terms of office. All other appointments shall be for terms of three years.

207 The Commission shall elect a chairman and a vice chairman from among its membership. A majority
208 of the members shall constitute a quorum. The Commission shall meet at least four times each year. The
209 meetings of the Commission shall be held at the call of the chairman or whenever the majority of the
210 members so request.

211 Members shall be paid reasonable and necessary expenses incurred in the performance of their
212 duties. Legislative members shall receive compensation as provided in § 30-19.12 and nonlegislative
213 citizen members shall receive compensation for their services as provided in §§ 2.2-2813 and 2.2-2825.

214 § 19.2-163.03. Qualifications for court-appointed counsel.

215 A. In accordance with § 19.2-163.01, to initially qualify to serve as counsel appointed pursuant to
216 § 19.2-159 for an indigent defendant charged with a misdemeanor, the attorney shall be a member in
217 good standing of the Virginia State Bar, and (i) if an active member of the Virginia State Bar for less
218 than one year, have completed six hours of MCLE-approved continuing legal education developed by
219 the Indigent Defense Commission, or (ii) if an active member of the Virginia State Bar for one year or
220 more, either complete the six hours of approved continuing legal education developed by the
221 Commission, or certify to the Commission that he has represented, in a district court within the past
222 year, four or more defendants charged with misdemeanors.

223 B. To initially qualify to serve as counsel appointed pursuant to § 19.2-159 for an indigent defendant
224 charged with a felony, the attorney shall (i) be a member in good standing of the Virginia State Bar,
225 (ii) have completed the six hours of MCLE-approved continuing legal education developed by the
226 Commission, and (iii) certify that he has participated as either lead counsel or cocounsel in four felony
227 cases, originating in district court, from their beginning through to their final resolution, including
228 appeals, if any. If the attorney has been an active member of the Virginia State Bar for more than one
229 year and certifies that he has participated, within the past year, as lead counsel in four felony cases,
230 originating in district court, through to their final resolution, including appeals, if any, the requirement
231 to complete six hours of continuing legal education and the requirement to participate as cocounsel
232 shall be waived. If the attorney has been an active member of the Virginia State Bar for more than one
233 year and certifies that he has participated, within the past five years, as lead counsel in five felony
234 cases, originating in district court, through to their final resolution, including appeals, if any, the
235 requirement to participate as either lead counsel or cocounsel in four felony cases within the past year
236 shall be waived.

237 C. To initially qualify to serve as appointed counsel in a juvenile and domestic relations district
238 court pursuant to subdivision B 2 of § 16.1-266, the attorney shall (i) be a member in good standing of
239 the Virginia State Bar, (ii) have completed the six hours of MCLE-approved continuing legal education

240 developed by the Commission, (iii) have completed four additional hours of MCLE-approved continuing
 241 legal education on representing juveniles developed by the Commission, and (iv) certify that he has
 242 participated as either lead counsel or cocounsel in four cases involving juveniles in a juvenile and
 243 domestic relations district court. If the attorney has been an active member of the Virginia State Bar for
 244 more than one year and certifies that he has, within the past year, been lead counsel in four cases
 245 involving juveniles in juvenile and domestic relations district court, the requirement to complete the 10
 246 hours of continuing legal education shall be waived. If the attorney has been an active member of the
 247 Virginia State Bar for more than one year and certifies that he has participated, within the past five
 248 years in five cases involving juveniles in a juvenile and domestic relations district court, the requirement
 249 to participate as either lead counsel or cocounsel in four juvenile cases shall be waived.

250 D. After initially qualifying, an attorney shall maintain his eligibility for certification by completing
 251 biennially thereafter six hours of MCLE-approved continuing legal education, certified by the
 252 Commission. In addition, to maintain eligibility to accept court appointments under subdivision B 2 of
 253 § 16.1-266, an attorney shall complete biennially thereafter four additional hours of MCLE-approved
 254 continuing legal education on representing juveniles, certified by the Commission.

255 E. The Commission may, in its discretion, waive the requirements set out in this section for
 256 individuals who otherwise demonstrate their level of training and experience.

257 § 19.2-163.04. Public Defender offices.

258 Public defender offices are established in:

259 a. The City of Virginia Beach;

260 b. The City of Petersburg;

261 c. The Cities of Buena Vista, Lexington, Staunton and Waynesboro and the Counties of Augusta and
 262 Rockbridge;

263 d. The City of Roanoke;

264 e. The City of Portsmouth;

265 f. The City of Richmond;

266 g. The Counties of Clarke, Frederick, Page, Shenandoah and Warren, and the City of Winchester;

267 h. The City and County of Fairfax;

268 i. The City of Alexandria;

269 j. The City of Radford and the Counties of Bland, Pulaski and Wythe;

270 k. The Counties of Fauquier, Loudoun and Rappahannock;

271 l. The City of Suffolk;

272 m. The City of Franklin and the Counties of Isle of Wight and Southampton;

273 n. The City of Bedford and the County of Bedford;

274 o. The City of Danville;

275 p. The Counties of Halifax, Lunenburg and Mecklenburg;

276 q. The City of Fredericksburg and the Counties of King George, Stafford and Spotsylvania;

277 r. The City of Lynchburg;

278 s. The City of Martinsville and the Counties of Henry and Patrick;

279 t. The City of Charlottesville and the County of Albemarle; and

280 u. The City of Norfolk.

281 § 19.2-163.4:1. Repayment of representation costs by convicted persons.

282 In any case in which an attorney from a public defender or capital defender office represents an
 283 indigent person charged with an offense and such person is convicted, the sum that would have been
 284 allowed a court-appointed attorney as compensation and as reasonable expenses shall be taxed against
 285 the person defended as a part of the costs of the prosecution, and, if collected, shall be paid to the
 286 Commonwealth or, if payment was made to the Commonwealth by a locality for defense of a local
 287 ordinance violation, to the appropriate county, city or town. An abstract of such costs shall be docketed
 288 in the judgment lien docket and execution book of the court.

289 § 19.2-163.7. Counsel in capital cases.

290 In any case in which an indigent defendant is charged with a capital offense, the judge of the circuit
 291 court, upon request for the appointment of counsel, shall appoint one or more attorneys from the list or
 292 lists established by the Supreme Court and the Public Defender Indigent Defense Commission pursuant
 293 to ~~§ 19.2-163.8~~ to represent the defendant at trial and, if the defendant is sentenced to death, on appeal.

294 In all cases after July 1, 2004, where counsel is to be appointed under this section, one of the attorneys
 295 appointed shall be from a capital defense unit maintained by the Public Defender Indigent Defense
 296 Commission; this section shall be construed in conformity with the provisions of § 19.2-163.4. If the
 297 sentence of death is affirmed on appeal, the court shall, within ~~thirty~~ 30 days after the decision of the
 298 Supreme Court of Virginia, appoint counsel from the same list, or such other list as the Supreme Court
 299 and the Commission may establish, to represent an indigent prisoner under sentence of death in a state
 300 habeas corpus proceeding. The Attorney General shall have no standing to object to the appointment of

301 counsel for the petitioner.

302 § 19.2-163.8. List of qualified attorneys.

303 A. The Supreme Court and the ~~Public Defender~~ *Indigent Defense* Commission, in conjunction with
 304 the Virginia State Bar, shall adopt standards for attorneys admitted to practice law in Virginia who are
 305 qualified to represent defendants charged with capital murder or sentenced to death, which take into
 306 consideration, to the extent practicable, the following criteria: (i) license or permission to practice law in
 307 Virginia; (ii) general background in criminal litigation; (iii) demonstrated experience in felony practice at
 308 trial and appeal; (iv) experience in death penalty litigation; (v) familiarity with the requisite court
 309 system; (vi) current training in death penalty litigation; (vii) current training in the analysis and
 310 introduction of forensic evidence, including deoxyribonucleic acid (DNA) testing and the evidence of a
 311 DNA profile comparison to prove or disprove the identity of any person; and (viii) demonstrated
 312 proficiency and commitment to quality representation.

313 B. The Supreme Court and the ~~Public Defender~~ *Indigent Defense* Commission shall maintain a list ~~of~~
 314 lists of attorneys admitted to practice law in Virginia who are qualified to represent defendants charged
 315 with capital murder or sentenced to death. In establishing such a list ~~of lists~~, the Court and the
 316 Commission shall consider all relevant factors, including but not limited to, the attorney's background,
 317 experience, and training and the Court's and the Commission's assessment of whether the attorney is
 318 competent to provide quality legal representation.

319 C. Notwithstanding the requirements of § 19.2-163.7, the judge of the circuit court may appoint
 320 counsel who is not included on the list ~~of lists~~, but who otherwise qualifies under the standards
 321 established and maintained by the Court and the Commission.

322 D. Noncompliance with the requirements of this article shall not form the basis for a claim of error
 323 at trial, on appeal, or in any habeas corpus proceeding. The performance of habeas corpus counsel
 324 appointed pursuant to this article shall not form a basis for relief in any subsequent habeas corpus
 325 proceeding.

326 E. ~~By January 1, 2002,~~ The Supreme Court and the ~~Public Defender~~ *Indigent Defense* Commission
 327 shall, in conjunction with the Virginia State Bar, promulgate and thereafter maintain standards for the
 328 qualifications of counsel who shall be considered eligible to be placed on the list of qualified attorneys.

329 F. ~~The provisions of this article, with the exception of subsection E, shall not become effective until~~
 330 ~~July 1, 1992.~~

331 § 53.1-124. Sheriffs and jail superintendents to report to the courts.

332 A. If requested by the judge, the sheriffs of all local jails and the jail superintendents of all regional
 333 jails of this Commonwealth shall, on the first day of each term of the circuit court, make written reports
 334 to the judge thereof, to the attorney for the Commonwealth, and to city attorneys whose duties include
 335 prosecuting certain cases, showing the number of prisoners in jail on that day. The report shall show the
 336 name, date of commitment, offense and sentence of each prisoner. The judge of such court, after
 337 examining the report, shall enter an order directing the clerk to file the same in the clerk's office of such
 338 court.

339 B. If requested by the chief judge of the circuit court, general district court or juvenile and domestic
 340 relations district court, the sheriffs of all local jails and the jail superintendents of all regional jails of
 341 the Commonwealth shall report semimonthly to the circuit court, general district court, and juvenile and
 342 domestic relations district court, to the attorney for the Commonwealth, and to the public defender, if
 343 any, as established in Article 4 (~~§ 19.2-163.1 et seq.~~) 3.1 (*§ 19.2-163.01 et seq.*) of Chapter 10 of Title
 344 19.2, showing the number of prisoners in jail on that day awaiting trial. The report shall include the
 345 name, offense, date of commitment to jail, and amount of bail established.

346 C. If requested by the judge, the sheriffs of all local jails and the jail superintendents of all regional
 347 jails shall report weekly to the juvenile and domestic relations district court located within that county,
 348 city or region concerning the identity and number of juveniles kept in their jails and the length of time
 349 such juveniles have been incarcerated therein.

350 **2. That the persons responsible for appointing members to the Virginia Indigent Defense**
 351 **Commission may, by agreement, make the initial appointments for such lengths of time as to allow**
 352 **the appointment terms to be staggered.**

353 **3. That §§ 19.2-163.1, 19.2-163.2 and 19.2-163.6 of the Code of Virginia are repealed.**

354 **4. That the provisions of § 19.2-163.03 shall become effective July 1, 2005.**