

VIRGINIA ACTS OF ASSEMBLY -- 2002 RECONVENED SESSION

CHAPTER 831

An Act to amend and reenact §§ 16.1-69.48:1, 16.1-69.48:3, 17.1-275, 17.1-275.1, 17.1-275.2, 17.1-275.4, 17.1-275.5, 17.1-275.6, 17.1-281, 19.2-11.3, 19.2-303.4, 19.2-354, 19.2-368.18, 53.1-131.1, and 53.1-150 of the Code of Virginia, to amend the Code of Virginia by adding sections numbered 17.1-275.7, 17.1-275.8, and 17.1-275.9, and to repeal §§ 17.1-277 and 18.2-264.01 of the Code of Virginia, relating to court fees.

[S 150]

Approved April 17, 2002

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.48:1, 16.1-69.48:3, 17.1-275, 17.1-275.1, 17.1-275.2, 17.1-275.4, 17.1-275.5, 17.1-275.6, 17.1-281, 19.2-11.3, 19.2-303.4, 19.2-354, 19.2-368.18, 53.1-131.1, and 53.1-150 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding sections numbered 17.1-275.7, 17.1-275.8, and 17.1-275.9 as follows:

§ 16.1-69.48:1. Fixed fee for misdemeanors, traffic infractions and other violations in district court; additional fees to be added.

A. Fees for services performed by the judges or clerks of district courts in criminal or traffic actions and proceedings shall be as follows and such fees shall be included in the taxed costs:

1. For processing a case of a misdemeanor or a traffic violation, including a case in which there has been written appearance and waiver of court hearing, and including swearing witnesses and taxing costs, twenty-eight dollars, and one dollar of the amount collected hereunder shall be forwarded to the State Treasurer for deposit in the Regional Criminal Justice Academy Training Fund as provided in § 9.1-106, to be used for financial support of the regional criminal justice training academies.

Assessment of this fee *the fees provided for in this section* shall be based on: (i) an appearance for court hearing in which there has been a finding of guilty; (ii) a written appearance with waiver of court hearing and entry of guilty plea; (iii) for a defendant failing to appear, a trial in his or her absence resulting in a finding of guilty; or (iv) an appearance for court hearing in which the court requires that the defendant successfully complete traffic school or a driver improvement clinic, in lieu of a finding of guilty; or (v) a deferral of proceedings pursuant to §§ 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-67.2:1, 18.2-251 or § 19.2-303.2.

In addition to any other fee prescribed by this ~~subsection~~ *section*, a fee of ten dollars shall be taxed as costs whenever a defendant fails to appear, unless, after a hearing requested by such person, good cause is shown for such failure to appear. No defendant with multiple charges arising from a single incident shall be taxed the fee provided in this ~~subsection~~ *section* more than once for a single appearance or trial in absence related to that incident. A defendant with charges which arise from separate incidents shall be taxed a fee for each incident even if the charges from the multiple incidents are disposed of in a single appearance or trial in absence.

In addition to the fixed fees assessed pursuant to this section, in the appropriate cases, the clerk shall also assess any costs otherwise specifically provided by statute.

2. For processing any check tendered in a case of traffic violation that has been returned unpaid by any banking institution, such fee as is determined pursuant to § 19.2-353.3.

B. Three dollars of the amount collected hereunder shall be collected for the benefit of and paid to the Virginia Crime Victim-Witness Fund as provided in § 19.2-11.3 and one dollar of the amount collected hereunder shall be forwarded to the State Treasurer for deposit in the Regional Criminal Justice Academy Training Fund as provided in § 9.1-106, to be used for financial support of the regional criminal justice training academies, irrespective of whether the defendant's case was processed as a violation of the Code of Virginia or as a violation of a local ordinance.

In misdemeanors tried in district court, except for those proceedings provided for in subsection C, there shall be assessed as court costs a fixed fee of fifty-seven dollars. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

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| 1. Processing fee (General Fund) | (.596490); |
| 2. Virginia Crime Victim-Witness Fund | (.052632); |
| 3. Regional Criminal Justice Training Academies Fund | (.017544); |
| 4. Courthouse Construction/Maintenance Fund | (.035088); |

5. Criminal Injuries Compensation Fund (.105263);
6. Intensified Drug Enforcement Jurisdiction Fund (.035088);
7. Sentencing/supervision fee (General Fund) (.140351); and
8. Sentencing/supervision fee (local share) (.017544).

C. In criminal actions and proceedings in district court for a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, there shall be assessed as court costs a fixed fee of \$132. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.257576);
2. Virginia Crime Victim-Witness Fund (.022727);
3. Regional Criminal Justice Training Academies Fund (.007576);
4. Courthouse Construction/Maintenance Fund (.015152);
5. Criminal Injuries Compensation Fund (.045455);
6. Intensified Drug Enforcement Jurisdiction Fund (.015152);
7. Drug Offender Assessment Fund (.568182);
8. Forensic laboratory fee and sentencing/supervision fee (General Fund) (.060-605); and
9. Sentencing/supervision fee (local share) (.007575).

D. In traffic infractions tried in district court, there shall be assessed as court costs a fixed fee of forty-two dollars. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Processing fee (General Fund) (.809523);
2. Virginia Crime Victim-Witness Fund (.071429);
3. Regional Criminal Justice Training Academies Fund (.023810);
4. Courthouse Construction/Maintenance Fund (.047619); and
5. Intensified Drug Enforcement Jurisdiction Fund (.047619).

§ 16.1-69.48:3. Fees charged to drug offenders.

~~In each case Whenever in a general district court in which a person is convicted of the costs provided for in subsection C of § 16.1-69.48:1 are assessed for a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, the clerk shall assess, in addition to any other fee, a fee of seventy-five dollars for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251 which a portion of the costs, as specified in subsection C of § 16.1-69.48:1, shall be included in the taxed costs and paid into the Drug Offender Assessment Fund.~~

§ 17.1-275. Fees collected by clerks of circuit courts; generally.

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

1. When a writing is admitted to record under Chapter 2 (§ 17.1-200 et seq.) of this title, or Chapter 5 (§ 55-80 et seq.) or Chapter 6 (§ 55-106 et seq.) of Title 55, for everything relating to it, except the recording in the proper book; for receiving proof of acknowledgments, entering orders, endorsing clerk's certificate, and when required, embracing it in a list for the commissioner of the revenue, one dollar.
2. For recording and indexing in the proper book any writing and all matters therewith, or for

recording and indexing anything not otherwise provided for, fifteen dollars for an instrument or document consisting of ten or fewer pages or sheets; thirty dollars for an instrument or document consisting of 11 through 30 pages or sheets; and fifty dollars for an instrument or document consisting of 31 or more pages or sheets. This fee shall be in addition to the fee for recording a deed or other instrument recorded in conjunction with such plat sheet or sheets including the fee of one dollar set forth in subdivision A. 1. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. One dollar and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, twenty dollars for estates not exceeding \$50,000, twenty-five dollars for estates not exceeding \$100,000 and thirty dollars for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, ten dollars.

5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, ten dollars.

6. For making out any bond, other than those under § 17.1-267 or subdivision A. 4. of this section, administering all necessary oaths and writing proper affidavits, three dollars.

7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be fifteen dollars in cases not exceeding \$500 and twenty-five dollars in all other cases.

8. For making out a copy of any paper or record to go out of the office, which is not otherwise specifically provided for, a fee of fifty cents for each page. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge two dollars and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional fifty cents.

10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 *or is subject to a disposition under § 18.2-251*, the clerk shall assess a fee of \$150 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment Fund.

11. a. ~~Upon conviction in misdemeanor cases, the clerk shall charge the defendant twenty-six dollars in each case. Sums shall be collected for and paid to the benefit of the Virginia Crime Victim-Witness Fund as provided for in § 19.2-11.3 and one dollar of the amount collected hereunder shall be forwarded to the State Treasurer for deposit in the Regional Criminal Justice Academy Training Fund as provided in § 9.1-106, to be used for financial support of the regional criminal justice training academies, irrespective of whether the defendant was convicted of a misdemeanor chargeable under the Code of Virginia or pursuant to a local ordinance.~~

b. In addition, in each case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, the clerk shall assess (i) a fee of seventy-five dollars for each misdemeanor conviction which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment Fund, unless such fee has been assessed and taxed in the general district court as provided in ~~§ 16.1-69.48:3~~ and (ii) a fee of \$100 per case for any forensic laboratory analysis performed for use in prosecution of such violation which shall be taxed as costs to the defendant and shall be paid into the general fund of the state treasury.

c. In addition, for each misdemeanor case the clerk shall collect and tax as costs (i) the fees of the attorneys for the Commonwealth as provided for in ~~§ 15.2-1627.3~~, (ii) the compensation of court-appointed counsel as provided in ~~§ 19.2-163~~, (iii) the fees of the public defenders as provided for in ~~§ 19.2-163.2~~, (iv) the additional costs imposed under ~~§ 19.2-368.18~~ to be deposited into the Criminal Injuries Compensation Fund, and (v) in any court in which electronic devices are used for the purpose of recording testimony, a sum not to exceed five dollars for each day or part of a day of the trial to be paid by the clerk into a special fund to be used for the purpose of repairing, replacing or supplementing such electronic devices, or if a sufficient amount is available, to pay the purchase price of such devices in whole or in part. For the purpose of this subdivision, repairing shall include maintenance or service contracts.

d. In addition, a fee of twelve dollars shall be charged to a defendant found guilty in a criminal case in the circuit court as costs for (i) serving a warrant or summons other than on a witness when no arrest is made or (ii) making an arrest on a felony or misdemeanor charge, when such services are provided by the sheriff. *In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251, which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment Fund as provided in § 17.1-275.8.*

12. Upon the defendant's being required to successfully complete traffic school or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all actions at law the clerk's fee chargeable to the plaintiff shall be fifty dollars in cases not exceeding \$50,000, \$100 in cases not exceeding \$100,000, and \$150 in cases exceeding \$100,000; and in condemnation cases, a fee of twenty-five dollars, to be paid by the plaintiff at the time of instituting the action, this fee to be in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

13a. For the filing of any petition seeking court approval of a settlement where no action has yet been filed, the clerk's fee, chargeable to the petitioner, shall be fifty dollars, to be paid by the petitioner at the time of filing the petition.

14. In addition to the fees chargeable for actions at law, for the costs of proceedings for judgments by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or certified mail, (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment, (iii) for the sheriff for serving each copy of the order entering judgment, twelve dollars, and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A. 17.

15. For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, ten dollars.

16. For each habeas corpus proceeding, the clerk shall receive ten dollars for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

17. For docketing and indexing a judgment from any other court of this Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of five dollars; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of five dollars; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of twenty dollars.

18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge ten dollars, to be paid by the party filing said papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

19. For receiving and processing an application for a tax deed, ten dollars.

20. For all services rendered by the clerk in any condemnation proceeding instituted by the Commonwealth, twenty-five dollars.

21. For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § 8.01-529, one dollar.

22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or § 57-15, ten dollars.

23. For preparation and issuance of a subpoena duces tecum, five dollars.

24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, twenty dollars; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

25. For providing court records or documents on microfilm, per frame, ten cents.

26. In all chancery causes, the clerk's fee chargeable to the plaintiff shall be fifty dollars to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. However, no fee shall be charged for the filing of a cross-bill in any pending suit. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.

27. For the acceptance of credit cards in lieu of money to collect and secure all fees, including filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect a service charge of four percent of the amount paid.

28. For the return of any check unpaid by the financial institution on which it was drawn or notice is received from the credit card issuer that payment will not be made for any reason, the clerk shall collect, if allowed by the court, a fee of twenty dollars or ten percent of the amount to be paid, whichever is greater, in accordance with § 19.2-353.3.

29. For all services rendered, except in cases in which costs are assessed pursuant to §§ 17.1-275.1, 17.1-275.2, 17.1-275.3, or § 17.1-275.4, in an adoption proceeding, a fee of twenty dollars, in addition to the fee imposed under § 63.1-219.53, to be paid by the petitioner or petitioners.

30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same amount as the fee for the original license.

31. For the filing of any petition as provided in §§ 33.1-124, 33.1-125 and 33.1-129, a fee of five dollars to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.1-122, as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, except in cases in which costs are assessed pursuant to §§ 17.1-275.1, 17.1-275.2, 17.1-275.3, ~~or § 17.1-275.4, 17.1-275.7, 17.1-275.8, or § 17.1-275.9~~, a fee of twenty dollars.

33. For issuance of hunting and trapping permits in accordance with § 10.1-1154, twenty-five cents.

34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et seq.), the fees shall be as prescribed in that Act.

35. For filing the appointment of a resident agent for a nonresident property owner in accordance with § 55-218.1, a fee of one dollar.

36. [Repealed.]

37. For recordation of certificate and registration of names of nonresident owners in accordance with § 59.1-74, a fee of ten dollars.

38. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

39. For lodging, indexing and preserving a will in accordance with § 64.1-56, a fee of two dollars.

40. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under § 8.9A-525.

41. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed under § 8.9A-525.

42. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed under § 8.9A-525.

43. For filing a petition as provided in §§ 37.1-134.7 and 37.1-134.17, the fee shall be ten dollars.

44. For issuing any execution, and recording the return thereof, a fee of \$1.50.

45. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of five dollars. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of \$1.50, in accordance with subdivision A. 44.

B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A. 7., ~~10, 11~~, A. 13., A. 16., A. 18. if applicable, A. 20., A. 22., A. 24., A. 26., A. 29. and A. 31. to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A. 7., A. 13., A. 16., A. 18. if applicable, A. 20., A. 22., A. 24., A. 26., A. 29. and A. 31. to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. ~~In accordance with § 9.1-105, the clerk shall collect fees under subdivisions A 10 and 11 to be designated for the Intensified Drug Enforcement Jurisdiction Fund.~~

~~E.~~ In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A. 7., A. 13., A. 16., A. 18. if applicable, A. 20., A. 22., A. 24., A. 26., A. 29. and A. 31. to be designated for public law libraries.

~~F~~ E. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

§ 17.1-275.1. Fixed felony fee.

Upon conviction of any and each felony charge or upon a deferred disposition of proceedings in circuit court in the case of any and each felony disposition deferred pursuant to the terms and conditions of §§ 16.1-278.8, 16.1-278.9, 18.2-61, 18.2-67.1, 18.2-67.2:1, 18.2-251, or § 19.2-303.2, there shall be assessed as court costs a fee of \$348 373, to be known as the fixed felony fee.

The amount collected, in whole or in part, for the fixed felony fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

~~1. Supervision fund (.5070114);~~

1. Sentencing/supervision fee (General Fund) (.4493566);

2. Sentencing/supervision fee (local share) (.0236729);

~~2.~~ 3. Forensic science fund (.1113506 1038874);

~~3.~~ 4. Court reporter fund (.0956034 0891958);

4. 5. Witness expenses/expert witness fund (.0057472 0053619);

~~5.~~ 6. Virginia Crime Victim-Witness Fund (.0086206 0080428);

~~6.~~ 7. Intensified Drug Enforcement Jurisdiction Fund (.0057472 0053619);

~~7.~~ 8. Criminal Injuries Compensation Fund (.0862068 0804289);

~~8.~~ 9. Commonwealth's attorney fund (state share) (.0215518 0201072);

- ~~9-~~ 10. Commonwealth's attorney fund (local share) (.0215518 0201072);
~~10-~~ 11. Regional Criminal Justice Academy Training Fund (.0028735 0026809);
~~11-~~ 12. Warrant fee (.0344827 0321715);
~~12-~~ 13. Courthouse construction/maintenance fund (.0057472 0053619); a-
nd
~~13-~~ 14. Clerk of the circuit court (.0935058 0872391);

15. Blood, saliva or tissue sample withdrawal fee (General Fund) (.0335120); a-
nd

16. Blood, saliva or tissue sample withdrawal fee (local share) (.0335120).

§ 17.1-275.2. Fixed fee for felony reduced to misdemeanor.

In circuit court, upon the conviction of a person of any and each misdemeanor reduced from a felony charge, or upon a deferred disposition of proceedings in the case of any and each misdemeanor reduced from a felony charge and deferred pursuant to the terms and conditions of §§ 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-67.2:1, or § 19.2-303.2, there shall be assessed as court costs a fee of \$200, to be known as the fixed fee for felony reduced to misdemeanor. However, this section shall not apply to those proceedings provided for in § 17.1-275.8.

The amount collected, in whole or in part, for the fixed fee for felony reduced to misdemeanor shall be apportioned to the following funds in the fractional amounts designated:

1. ~~Supervision fund~~ Sentencing/supervision fee (General Fund) -
(.19240 17315);

2. Sentencing/supervision fee (local share) (.01925);
~~2-~~ 3. Forensic science fund (.19375);
~~3-~~ 4. Court reporter fund (.16635);
4. 5. Witness expenses/expert witness fund (.01000);
~~5-~~ 6. Virginia Crime Victim-Witness Fund (.01500);
~~6-~~ 7. Intensified Drug Enforcement Jurisdiction Fund (.01000);
~~7-~~ 8. Criminal Injuries Compensation Fund (.10000);
~~8-~~ 9. Commonwealth's attorney fund (state share) (.03750);
~~9-~~ 10. Commonwealth's attorney fund (local share) (.03750);
~~10-~~ 11. Regional Criminal Justice Academy Training Fund (.00500);
~~11-~~ 12. Warrant fee (.06000);
~~12-~~ 13. Courthouse construction/maintenance fund (.01000); and
~~13-~~ 14. Clerk of the circuit court (.16250).

§ 17.1-275.4. Fixed misdemeanor reduced from felony revocation fee.

In circuit court, when a person whose charge was reduced from a felony charge is convicted of a misdemeanor and subsequently suffers partial or full revocation of his suspension of sentence or probation pursuant to § 19.2-306, other than a revocation for failure to pay previously assessed court costs, he shall be assessed as court costs a fee of \$87.50 eighty-seven dollars and fifty cents to be known as the fixed misdemeanor reduced from felony revocation fee. A single fixed misdemeanor reduced from felony revocation fee shall be assessed per defendant per hearing without regard to the number of misdemeanor revocations being considered except that if a revocation of probation or suspended sentence upon a felony conviction is also being considered at the same revocation proceeding, a single fixed felony revocation fee shall apply instead. The amount collected, in whole or in part, for the fixed misdemeanor reduced from felony revocation fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Virginia Crime Victim-Witness Fund (.0342857);
2. Intensified Drug Enforcement Jurisdiction Fund (.0228572);
3. Witness expenses/expert witness fund (.0228572);
4. Commonwealth's attorney fund (state share) (.0857143);
5. Commonwealth's attorney fund (local share) (.0857143);
6. Criminal Injuries Compensation Fund (.2285714);
7. Regional Criminal Justice Training Academy Fund (.0114285);
8. Warrant fee, as prescribed by § 17.1-272 (.1371428); and
9. Clerk of the circuit court (.3714286).

§ 17.1-275.5. Amounts to be added; judgment in favor of the Commonwealth.

A. The clerk shall assess, in addition to ~~the fixed felony fee, the fixed fee for felony reduced to misdemeanor, or the fixed revocation fee, as the case may be, the fees provided for by §§ 18.2-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or § 17.1-275.9,~~ the following costs:

1. Any amount paid by the Commonwealth for legal representation of the defendant;
2. Any amount paid for trial transcripts;
3. Extradition costs;
4. Costs of psychiatric evaluation;
5. Costs taxed against the defendant as appellant under Rule 5A:30 of the Rules of the Supreme Court;
6. Any fee for a returned check or disallowed credit card charge assessed pursuant to *subdivision A. 28. of § 17.1-275 A 28;*
7. Any jury costs; ~~and~~
8. Any assessment made pursuant to *subdivision A. 10. of § 17.1-275 A 40;*
9. *Any blood withdrawal fees as prescribed in §§ 18.2-268.8 and 46.2-341.26;8;*
10. *Any court costs related to an ignition interlock device;*
11. *Any fee for testing for HIV;*
12. *Any fee for processing an individual admitted to jail as prescribed in § 15.2-1613.1; and*
13. *Any fee for courthouse security personnel as prescribed in § 53.1-120.*

B. The total amount of assessments described in subsection A of this section, including the ~~fixed felony fee, fixed fee for felony reduced to misdemeanor, fixed felony revocation fee, or fixed misdemeanor revocation fee, as the case may be, fees provided for by §§ 18.2-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or § 17.1-275.9,~~ and no other, shall be forthwith docketed by the clerk as a judgment against the defendant in favor of the Commonwealth.

§ 17.1-275.6. Fees collected from court reporter fund.

Notwithstanding any other provision of law, in any court in which electronic devices are used for recording testimony, a sum not to exceed twenty dollars for each day or part of a day of the trial shall be paid by the clerk, from the court reporter fund as set forth in §§ 17.1-275.1 ~~through, 17.1-275.2 and 17.1-275.3,~~ or a sum not to exceed five dollars for each day or part of a day of the trial of a case wherein costs are assessed pursuant to § 17.1-275.8 shall be paid by the clerk, from the court reporter fund as set forth in § 17.1-275.8, into a special fund to be used for the purpose of repairing, replacing or supplementing such electronic devices or, if a sufficient amount is available, to pay the purchase price of such devices in whole or in part. For the purpose of this section, repairing shall include maintenance and service contracts. Fees collected under this article shall be retained locally and shall not be subject to the provisions of § 17.1-286.

§ 17.1-275.7. Fixed misdemeanor fee.

In circuit court, upon (i) conviction of any and each misdemeanor, not originally charged as a felony, (ii) a deferred disposition of proceedings in the case of any and each misdemeanor not originally charged as a felony and deferred pursuant to the terms and conditions of §§ 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-67.2:1, or § 19.2-303.2, or (iii) any and each conviction of a traffic infraction or referral to a driver improvement clinic or traffic school in lieu of a finding of guilt for a traffic infraction, there shall be assessed as court costs a fee of sixty-eight dollars, to be known as the fixed misdemeanor fee. However, this section shall not apply to those proceedings provided for in § 17.1-275.8. This fee shall be in addition to any fee assessed in the district court.

The amount collected, in whole or in part, for the fixed misdemeanor fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

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| 1. Sentencing/supervision fee (General Fund) | (.0036764); |
| 2. Sentencing/supervision fee (local share) | (.0110295); |
| 3. Witness expenses/expert witness fee (General Fund) | (.0294118); |
| 4. Virginia Crime Victim-Witness Fund | (.0441176); |
| 5. Intensified Drug Enforcement Jurisdiction Fund | (.0294118); |
| 6. Criminal Injuries Compensation Fund | (.2941176); |
| 7. Commonwealth's Attorney Fund (state share) | (.0367648); |
| 8. Commonwealth's Attorney Fund (local share) | (.0367648); |

9. Regional Criminal Justice Academy Training Fund (.0147058);
10. Warrant fee, as prescribed by § 17.1-272 (.1764705);
11. Courthouse Construction/Maintenance Fund (.0294118); and
12. Clerk of the circuit court (.2941176).

§ 17.1-275.8. Fixed drug misdemeanor fee.

In circuit court, upon conviction of any and each misdemeanor charge, whether or not originally charged as a felony, for a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or upon a deferred disposition of proceedings in the case of any and each misdemeanor charge, whether or not originally charged as a felony, deferred pursuant to the terms and conditions of § 18.2-251, there shall be assessed as court costs a fee of \$284.50, to be known as the fixed drug misdemeanor fee. This fee shall be in addition to any fee assessed in the district court.

The amount collected, in whole or in part, for the fixed drug misdemeanor fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Sentencing/supervision fee (General Fund) (.1054481);
2. Sentencing/supervision fee (local share) (.0263620);
3. Court Reporter Fund (.0175747);
4. Witness expenses/expert witness fee (General Fund) (.0070299);
5. Virginia Crime Victim-Witness Fund (.0105447);
6. Intensified Drug Enforcement Jurisdiction Fund (.0070299);
7. Criminal Injuries Compensation Fund (.0702988);
8. Commonwealth's Attorney Fund (state share) (.0087874);
9. Commonwealth's Attorney Fund (local share) (.0087874);
10. Regional Criminal Justice Academy Training Fund (.0035149);
11. Warrant fee, as prescribed by § 17.1-272 (.0421793);
12. Courthouse Construction/Maintenance Fund (.0070299);
13. Clerk of the circuit court (.0702988);
14. Forensic laboratory fee (General Fund) (.3514938); and
15. Drug Offender Assessment Fund (.2636204).

§ 17.1-275.9. Fixed misdemeanor revocation fee.

In circuit court, when a person is convicted of a misdemeanor not originally charged as a felony and subsequently suffers partial or full revocation of his suspension of sentence or probation pursuant to § 19.2-306, he shall be assessed as court costs a fee of sixty-five dollars to be known as the fixed misdemeanor revocation fee. A single fixed misdemeanor revocation fee shall be assessed per defendant per hearing without regard to the number of misdemeanor revocations being considered, except that if a revocation of probation or suspended sentence upon a felony conviction is also being considered at the same revocation proceeding, a single fixed felony revocation fee shall apply instead. The amount collected, in whole or in part, for the fixed misdemeanor revocation fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated.

1. Virginia Crime Victim-Witness Fund (.0461538)
2. Intensified Drug Enforcement Jurisdiction Fund (.030770);

3. *Witness expenses/expert witness fee (General Fund)* (.030769);
4. *Commonwealth's Attorney Fund (state share)* (.0384614);
5. *Commonwealth's Attorney Fund (local share)* (.0384614);
6. *Criminal Injuries Compensation Fund* (.3076923);
7. *Regional Criminal Justice Training Academy Fund* (.0153846);
8. *Warrant fee, as prescribed by § 17.1-272* (.1846153); and
9. *Clerk of the circuit court* (.3076922).

§ 17.1-281. Assessment for courthouse construction, renovation or maintenance.

Any county or city, through its governing body, may assess a sum not in excess of two dollars as part of the costs in (i) each civil action filed in the district or circuit courts located within its boundaries and (ii) each criminal or traffic case in its district or circuit court in which the defendant is charged with a violation of any statute or ordinance. The total assessments authorized by any county or city in a civil action pursuant to this section and § 42.1-70 shall not exceed four dollars. If a town provides court facilities for a county, the governing body of the county shall return to the town a portion of the assessments collected based on the number of civil, criminal and traffic cases originating and heard in the town.

The imposition of such assessment shall be by ordinance of the governing body which may provide for different sums in circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the treasurer of the appropriate county or city and held by such treasurer subject to disbursements by the governing body for the construction, renovation, or maintenance of courthouse or jail and court-related facilities and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance.

The assessment provided for herein shall be in addition to any other fees prescribed by law. The assessment shall be required in each felony, *misdemeanor*, or *traffic infraction* case, regardless of the existence of a local ordinance requiring its payment.

§ 19.2-11.3. Virginia Crime Victim-Witness Fund.

There is hereby established the Virginia Crime Victim-Witness Fund as a special nonreverting fund to be administered by the Department of Criminal Justice Services to support victim and witness services that meet the minimum standards prescribed for such programs under § 19.2-11.1. ~~Three dollars~~ *A portion of the sum collected pursuant to subdivisions A 10 and A 11 of § 17.1-275 and to subdivision A 1 of § 16.1-69.48:1 §§ 16.1-69.48:1, 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, and 17.1-275.9, as specified in these sections, shall be deposited into the state treasury to the credit of this Fund. The Fund shall be distributed according to grant procedures adopted pursuant to § 9.1-104 and shall be established on the books of the Comptroller. Any funds remaining in such Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Fund. Interest earned on the Fund shall be credited to the Fund.*

§ 19.2-303.4. Payment of costs when proceedings deferred and defendant placed on probation.

A circuit or district court, which has deferred further proceedings, without entering a judgment of guilt, and placed a defendant on probation subject to terms and conditions pursuant to §§ 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, 18.2-61, 18.2-67.1, 18.2-67.2, 18.2-67.2:1, 18.2-251 or § 19.2-303.2, ~~may~~ *shall* impose upon the defendant costs.

§ 19.2-354. Authority of court to order payment of fine, costs, forfeitures, penalties or restitution in installments or upon other terms and conditions; community work in lieu of payment.

A. Whenever (i) a defendant, convicted of a traffic infraction or a violation of any criminal law of the Commonwealth or of any political subdivision thereof, or found not innocent in the case of a juvenile, is sentenced to pay a fine, restitution, forfeiture or penalty and (ii) the defendant is unable to make payment of the fine, restitution, forfeiture, or penalty and costs within fifteen days of sentencing, the court shall order the defendant to pay such fine, restitution, forfeiture or penalty and any costs which the defendant may be required to pay in deferred payments or installments. The court may authorize the clerk to establish and approve the conditions of all deferred or installment payment agreements, pursuant to guidelines established by the court. As a condition of every such agreement, a defendant who enters into an installment or deferred payment agreement shall promptly inform the court of any change of mailing address during the term of the agreement. If the defendant is unable to make payment within fifteen days of sentencing, the court may assess a one-time fee not to exceed ten dollars to cover the costs of management of the defendant's account until such account is paid in full. This one-time fee

shall not apply to cases in which costs are assessed pursuant to §§ 17.1-275.1, 17.1-275.2, 17.1-275.3 or §, 17.1-275.4, 17.1-275.7, 17.1-275.8 or § 17.1-275.9. Installment or deferred payment agreements shall include terms for payment if the defendant participates in a program as provided in subsection B or C. The court, if such sum or sums are not paid in full by the date ordered, shall proceed in accordance with § 19.2-358.

B. When a person sentenced to the Department of Corrections or a local correctional facility owes any fines, costs, forfeitures, restitution or penalties, he shall be required as a condition of participating in any work release, home/electronic incarceration or nonconsecutive days program as set forth in §§ 53.1-60, 53.1-131, 53.1-131.1 or § 53.1-131.2 to either make full payment or make payments in accordance with his installment or deferred payment agreement while participating in such program. If, after the person has an installment or deferred payment agreement, the person fails to pay as ordered, his participation in the program may be terminated until all fines, costs, forfeitures, restitution and penalties are satisfied. The Director of the Department of Corrections and any sheriff or other administrative head of any local correctional facility shall withhold such ordered payments from any amounts due to such person. Distribution of the money collected shall be made in the following order of priority to:

1. Meet the obligation of any judicial or administrative order to provide support and such funds shall be disbursed according to the terms of such order;
2. Pay any fines, restitution or costs as ordered by the court;
3. Pay travel and other such expenses made necessary by his work release employment or participation in an education or rehabilitative program, including the sums specified in § 53.1-150; and
4. Defray the offender's keep.

The balance shall be credited to the offender's account or sent to his family in an amount the offender so chooses.

The Board of Corrections shall promulgate regulations governing the receipt of wages paid to persons participating in such programs, the withholding of payments and the disbursement of appropriate funds.

C. The court shall establish a program to provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work before or after imprisonment. The program shall specify the rate at which credits are earned and provide for the manner of applying earned credits against the fine or costs. The court shall have such other authority as is reasonably necessary for or incidental to carrying out this program.

D. When the court has authorized deferred payment or installment payments, the clerk shall give notice to the defendant that upon his failure to pay as ordered he may be fined or imprisoned pursuant to § 19.2-358 and his privilege to operate a motor vehicle will be suspended pursuant to § 46.2-395.

E. The failure of the defendant to enter into a deferred payment or installment payment agreement with the court or the failure of the defendant to make payments as ordered by the agreement shall allow the Tax Commissioner to act in accordance with § 19.2-349 to collect all fines, costs, forfeitures and penalties.

§ 19.2-368.18. Criminal Injuries Compensation Fund.

A. There is hereby created a special fund to be administered by the Comptroller, known as the Criminal Injuries Compensation Fund.

B. ~~Where any person is convicted, after July 1, 1996, by a court with criminal jurisdiction of (i) treason or any other felony or (ii) any offense punishable as a misdemeanor under Title 18.2 or pursuant to local ordinance substantially similar to a misdemeanor under Title 18.2, with the exception of a public drunkenness violation, a cost shall be imposed in addition to any other costs required to be imposed by law. This additional cost shall be thirty dollars in any case under clause (i) and twenty dollars in any case under clause (ii) of this subsection. Such additional sum Whenever the costs provided for in §§ 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or § 17.1-275.9 or subsections B or C of § 16.1-69.48:1 are assessed, a portion of the costs, as specified in those sections,~~ shall be paid over to the Comptroller to be deposited into the Criminal Injuries Compensation Fund. Under no condition shall a political subdivision be held liable for the payment of this sum.

C. No claim shall be accepted under the provisions of this chapter when the crime ~~which~~ *that* gave rise to such claim occurred prior to July 1, 1977.

D. Sums available in the Criminal Injuries Compensation Fund shall be used for the purpose of payment of the costs and expenses necessary for the administration of this chapter and for the payment of claims pursuant to this chapter.

E. All revenues deposited into the Criminal Injuries Compensation Fund, and appropriated for the purposes of this chapter, shall be immediately available for the payment of claims.

§ 53.1-131.1. Provision for sentencing of person to nonconsecutive days in jail; payment to defray costs; penalty.

Any court having jurisdiction for the trial of a person charged with a misdemeanor or traffic offense or charged with any offense under Chapter 5 (§ 20-61 et seq.) of Title 20 may, if the defendant is

convicted and sentenced to confinement in jail, impose the time to be served on weekends or nonconsecutive days to permit the convicted defendant to retain gainful employment. A person sentenced pursuant to this section shall be ordered to pay an amount ordered by the court to defray the cost of his keep, which amount shall be the actual cost of incarceration but shall not exceed that amount charged to the Compensation Board for purposes of reimbursement as provided in the general appropriation act. Such amount shall be collected by the clerk of the court. *Whenever the costs provided for in §§ 17.1-275.1, 17.1-275.2, 17.1-275.7, or § 17.1-275.8 or subsections B or C of § 16.1-69.48:1 are assessed, a portion of those costs, as specified in those sections, shall be remitted to the treasurer of the appropriate county or city as a share of the sentencing/supervision fee for purposes of defraying the costs of such weekend or nonconsecutive incarceration.* If the defendant willfully fails to report at times specified by the court, the sentence imposed pursuant to this section shall be revoked and a straight jail sentence imposed.

The time served by a person sentenced for violation of state law in a local jail, regional jail, or local jail farm pursuant to this section shall be included in the count of prisoner days reported by the Department for the purpose of apportioning state funds to local correctional facilities for operating costs in accordance with § 53.1-84.

§ 53.1-150. Contributions by persons on parole, probation, and work release.

A. Any person convicted of a felony, multiple felonies or a combination of felonies and misdemeanors shall be required to pay, as part of the fixed felony fee *who has costs assessed against him* pursuant to §§ 17.1-275.1 or the fixed fee for felony reduced to misdemeanor assessed pursuant to § 17.1-275.2, 17.1-275.7, or § 17.1-275.8, or subsections B or C of § 16.1-69.48:1 *shall be required to pay, as specified in those sections,* a contribution towards the cost of his confinement, supervision or participation in a local community-based probation program or home/electronic incarceration program as a condition of his sentence *a sentencing/supervision fee to be deposited in the general fund of the state treasury.*

Any person convicted of a misdemeanor or multiple misdemeanors and who is sentenced to incarceration in a local correctional facility, or who is granted suspension of sentence and probation by a court of competent jurisdiction, or who is participating in a local community-based probation program as provided in § 53.1-181, or who is participating in a home/electronic incarceration program as provided in § 53.1-131.2, shall be required to pay a fee of fifty dollars towards the cost of his confinement, supervision or participation as a condition of his sentence.

In the event of multiple convictions under any of the above provisions, the fees imposed herein shall be assessed on a pro rata basis. Such fees shall be in addition to any other costs or fees provided by law.

All fees assessed pursuant to this section for the cost of confinement, supervision or participation shall be paid to the clerk of the sentencing court. All such funds collected pursuant to this section shall be deposited in the general fund of the state treasury.

B. The sentencing court may exempt a defendant from the requirements of subsection A on the grounds of unreasonable hardship.

Any defendant who is exempted from the requirements of subsection A shall be required to perform community service as an alternative to the contribution toward the cost of his confinement, supervision or participation.

C. *Except when the fee referenced in subsection A has been previously assessed,* any person (i) who is granted parole or (ii) who participates in a work release program pursuant to the provisions of §§ 53.1-60 and 53.1-131 shall be required to pay *a fee required in subsection A of fifty dollars* as a condition of parole or work release.

2. That §§ 17.1-277 and 18.2-264.01 of the Code of Virginia are repealed.

3. That the provisions of this act shall become effective on July 1, 2003.