

VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

CHAPTER 1039

An Act to amend and reenact §§ 16.1-69.48:1, as it is effective and as it shall become effective, 16.1-69.48:2, 17.1-275.1 through 17.1-275.4, 17.1-275.5, as it is effective and as it shall become effective, 17.1-275.7, 17.1-275.8, 17.1-275.9 and 53.1-131.1, as it is effective and as it shall become effective, of the Code of Virginia, relating to fees and costs in court proceedings.

[S 1129]

Approved May 1, 2003

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.48:1, as it is effective and as it shall become effective, 16.1-69.48:2, 17.1-275.1 through 17.1-275.4, 17.1-275.5, as it is effective and as it shall become effective, 17.1-275.7, 17.1-275.8, 17.1-275.9 and 53.1-131.1, as it is effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.48:1. (Effective until July 1, 2003) Fees for services performed by judges or clerks of district courts in criminal or traffic cases.

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, a fee of ~~ten dollars~~ \$10 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 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.

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 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.

B. 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 \$57. 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) | (.614035); |
| 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); and
7. Sentencing/supervision fee (General Fund) (.140351).

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) (.265152);
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); and
8. Forensic laboratory fee and sentencing/
supervision fee (General Fund) (.060606).

D. In traffic infractions tried in district court, there shall be assessed as court costs a fixed fee of \$47. 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) (.829787);
2. Virginia Crime Victim-Witness Fund (.063830);
3. Regional Criminal Justice Training Academies Fund (.021277);
4. Courthouse Construction/Maintenance Fund (.042553); and
5. Intensified Drug Enforcement Jurisdiction Fund (.042553).

§ 16.1-69.48:1. (Effective July 1, 2003) Fixed fee for misdemeanors, traffic infractions and other violations in district court; additional fees to be added.

A. Assessment of 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; (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 section, a fee of ~~ten dollars~~ \$10 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 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.

B. 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~~ \$59. 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) (~~-.596490~~ .593220);
2. Virginia Crime Victim-Witness Fund (~~-.052632~~ .050847);
3. Regional Criminal Justice Training Academies Fund (~~-.017544~~ .016949);
4. Courthouse Construction/Maintenance Fund (~~-.035088~~ .033898);
5. Criminal Injuries Compensation Fund (~~-.105263~~ .101694);
6. Intensified Drug Enforcement Jurisdiction Fund (~~-.035088~~ .067796); and
7. Sentencing/supervision fee (General Fund) (~~-.140351~~ .135593); 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. ~~\$134~~. 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~~ .261194);
2. Virginia Crime Victim-Witness Fund (~~-.022727~~ .022388);
3. Regional Criminal Justice Training Academies Fund (~~-.007576~~ .007462);
4. Courthouse Construction/Maintenance Fund (~~-.015152~~ .014925);
5. Criminal Injuries Compensation Fund (~~-.045455~~ .044776);
6. Intensified Drug Enforcement Jurisdiction Fund (~~-.015152~~ .029850);
7. Drug Offender Assessment Fund (~~-.568182~~ .559701); and
8. Forensic laboratory fee and sentencing/supervision fee (General Fund) (~~-.060605~~ .059701); 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~~ \$49. 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~~ .795918);
2. Virginia Crime Victim-Witness Fund (~~-.071429~~ .061224);
3. Regional Criminal Justice Training Academies Fund (~~-.023810~~ .020408);

4. Courthouse Construction/Maintenance Fund ~~(-.047619 .040816)~~; and
5. Intensified Drug Enforcement Jurisdiction Fund ~~(-.047619 .081632)~~.

§ 16.1-69.48:2. Fees for services of district court judges and clerks and magistrates in civil cases.

Fees in civil cases for services performed by the judges or clerks of general district courts or magistrates in the event any such services are performed by magistrates in civil cases shall be as provided in this section, and, unless otherwise provided, shall be included in the taxed costs and shall not be refundable, except in case of error or as herein provided.

For all court and magistrate services in each distress, detinue, interrogatory summons, unlawful detainer, civil warrant, notice of motion, garnishment, attachment issued, or other civil proceeding, the fee shall be ~~twelve dollars~~ \$17 unless otherwise provided in this section *or if the amount in controversy is \$200 or less, then the fee shall be \$12*. No such fee shall be collected (i) in any tax case instituted by any county, city or town or (ii) in any case instituted by a school board for collection of overdue book rental fees.

The judge or clerk shall collect the foregoing fee at the time of issuing process. Any magistrate or other issuing officer shall collect the foregoing fee at the time of issuing process, and shall remit the entire fee promptly to the court to which such process is returnable, or to its clerk. When no service of process is had on a defendant named in any civil process other than a notice of motion for judgment, such process may be reissued once by the court or clerk at the court's direction by changing the return day of such process, for which service by the court or clerk there shall be no charge; however, reissuance of such process shall be within three months after the original return day.

The clerk of any district court may charge a fee for making a copy of any paper of record to go out of his office which is not otherwise specifically provided for. The amount of this fee shall be set in the discretion of the clerk but shall not exceed ~~one dollar~~ \$1 for the first two pages and ~~fifty cents~~ \$.50 for each page thereafter.

The fees prescribed in this section shall be the only fees charged in civil cases for services performed by such judges and clerks, and when the services referred to herein are performed by magistrates such fees shall be the only fees charged by such magistrates for the prescribed services.

§ 17.1-275.1. (Effective July 1, 2003) 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, *or* § 18.2-251, ~~or § 19.2-303.2~~, there shall be assessed as court costs a fee of ~~\$373~~ \$350, 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. Sentencing/supervision
fee (General Fund) ~~(-.4493566 .5041143)~~;
- ~~2. Sentencing/supervision fee~~
~~(local share)~~ ~~(-.0236729)~~;
- ~~3~~ 2. Forensic science fund ~~(-.1038874 .1107143)~~;
- ~~4~~ 3. Court reporter fund ~~(-.0891958 .0950571)~~;
- ~~5~~ 4. Witness expenses/expert
witness fund ~~(-.0053619 .0057143)~~;
- ~~6~~ 5. Virginia Crime Victim-
Witness Fund ~~(-.0080428 .0085714)~~;
- ~~7~~ 6. Intensified Drug Enforcement
Jurisdiction Fund ~~(-.0053619 .0114286)~~;
- ~~8~~ 7. Criminal Injuries

Compensation Fund (~~-.0804289~~ .0857143);

9 8. Commonwealth's attorney fund
(state share) (~~-.0201072~~ .0214286);

~~10~~ 9. Commonwealth's attorney fund
(local share) (~~-.0201072~~ .0214286);

~~11~~ 10. Regional Criminal Justice
Academy Training Fund (~~-.0026809~~ .0028571);

~~12~~ 11. Warrant fee (~~-.0321715~~ .0342857);

~~13~~ 12. Courthouse construction/
maintenance fund (~~-.0053619~~ .0057143); and

~~14~~ 13. Clerk of the circuit court (~~-.0872391~~ .0929714);

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

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

§ 17.1-275.2. (Effective July 1, 2003) 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 \$202, 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. Sentencing/supervision
fee (General Fund) (~~-.17315~~ .1904950);

~~2.~~ ~~Sentencing/supervision fee~~
~~(local share)~~ (~~-.01925~~);

3 2. Forensic science fund (~~-.19375~~ .1918317);

4 3. Court reporter fund (~~-.16635~~ .1647030);

5 4. Witness expenses/expert
witness fund (~~-.01000~~ .0099010);

6 5. Virginia Crime Victim-

Witness Fund	(.01500 .0148515);
7 6. Intensified Drug Enforcement	
Jurisdiction Fund	(.01000 .0198020);
8 7. Criminal Injuries	
Compensation Fund	(.10000 .0990099);
9 8. Commonwealth's attorney fund	
(state share)	(.03750 .0371287);
10 9. Commonwealth's attorney fund	
(local share)	(.03750 .0371287);
11 10. Regional Criminal Justice	
Academy Training Fund	(.00500 .0049505);
12 11. Warrant fee	(.06000 .0594059);
13 12. Courthouse construction/	
maintenance fund	(.01000 .0099010); and
14 13. Clerk of the circuit court	(.16250 .1608911).

§ 17.1-275.3. Fixed felony revocation fee.

Upon the partial or full revocation of suspension of sentence or probation of a convicted felon pursuant to § 19.2-306, other than a revocation for failure to pay previously assessed court costs, there shall be assessed as court costs a fee of ~~\$131~~ \$133 to be known as the fixed felony revocation fee. A single fixed felony revocation fee shall be assessed per defendant per hearing without regard to the number of revocations being considered.

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

1. Virginia Crime Victim-Witness Fund	(.0229010 .0225564);
2. Intensified Drug Enforcement Jurisdiction Fund	(.0152674 .0300752);
3. Court reporter fund	(.2539697 .2501504);
4. Witness expenses/expert witness fund	(.0152674 .0150376);
5. Commonwealth's attorney fund (state share)	(.0572522 .0563910);
6. Commonwealth's attorney fund (local share)	(.0572522 .0563910);
7. Criminal Injuries Compensation Fund	(.2290079 .2255639);
8. Regional Criminal Justice Academy Training Fund	(.0076338 .0075188);
9. Warrant fee	(.0916033 .0902256);

and

10. Clerk of the circuit court

(~~-2498451~~ .2460902).

§ 17.1-275.4. (Effective July 1, 2003) 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 ~~eighty-seven dollars and fifty cents~~ \$89.50 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~~ .0335196);
2. Intensified Drug Enforcement Jurisdiction Fund (~~-0228572~~ .0446927);
3. Witness expenses/expert witness fund (~~-0228572~~ .0223464);
4. Commonwealth's attorney fund (state share) (~~-0857143~~ .0837989);
5. Commonwealth's attorney fund (local share) (~~-0857143~~ .0837989);
6. Criminal Injuries Compensation Fund (~~-2285714~~ .2234637);
7. Regional Criminal Justice Training Academy Fund (~~-0114285~~ .0111732);
8. Warrant fee, as prescribed by § 17.1-272 (~~-1371428~~ .1340782); and
9. Clerk of the circuit court (~~-3714286~~ .3631285).

§ 17.1-275.5. (Effective until July 1, 2003) 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~~ fees provided for by §§ 17.1-275.1 through 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;
7. Any jury costs; ~~and~~
8. Any assessment made pursuant to § 17.1-275 A 10;
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;
13. Any fee for courthouse security personnel as prescribed in § 53.1-120; and
14. Any fee for a DNA sample as prescribed in § 19.2-310.2.

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 §§ 17.1-275.1 through 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.

§ 17.1-275.5. (Effective July 1, 2003) Amounts to be added; judgment in favor of the Commonwealth.

A. The clerk shall assess, in addition to the fees provided for by §§ 17.1-275.1, ~~17.1-275.2, 17.1-275.3, through~~ 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;
7. Any jury costs;
8. Any assessment made pursuant to subdivision A 10 of § 17.1-275;
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;
14. *Any fee for a DNA sample as prescribed in § 19.2-310.2;*
15. *Reimbursement to the Commonwealth of medical fees as prescribed in § 19.2-165.1;*
16. *Any fee for a local criminal justice training academy as prescribed in § 9.1-106; and*
17. *Any fee prescribed by §§ 16.1-69.48:1.01 and 17.1-275.11.*

B. The total amount of assessments described in subsection A of this section, including the fees provided for by §§ 17.1-275.1, ~~17.1-275.2, 17.1-275.3,~~ through 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.

§ 17.1-275.7. (Effective July 1, 2003) 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~~ \$70, 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:

1. Sentencing/supervision

fee (General Fund)	(-.0036764 .0142857);
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- ~~2. Sentencing/supervision fee~~

(local share)	(-.0110295);
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- 3 2. Witness expenses/expert

witness fee (General Fund)	(-.0294118 .0285714);
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- 4 3. Virginia Crime Victim-

Witness Fund	(-.0441176 .0428571);
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- 5 4. Intensified Drug Enforcement

Jurisdiction Fund	(-.0294118 .0571429);
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- 6 5. Criminal Injuries

Compensation Fund	(-.2941176 .2857143);
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- 7 6. Commonwealth's Attorney Fund

(state share)	(-.0367648 .0357143);
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- 8 7. Commonwealth's Attorney Fund
(local share) (-.0367648 .0357143);
- 9 8. Regional Criminal Justice
Academy Training Fund (-.0147058 .0142857);
- 10 9. Warrant fee, as prescribed by
§ 17.1-272 (-.1764705 .1714286);
- 11 10. Courthouse Construction/
Maintenance Fund (-.0294118 .0285714); and
- 12 11. Clerk of the circuit court (-.2941176 .2857143).

§ 17.1-275.8. (Effective July 1, 2003) 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~~ \$286.50, 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 .1308901);
2. ~~Sentencing/supervision fee~~
~~(local share)~~ (-.0263620);
- 3 2. Court Reporter Fund (-.0175747 .0174520);
- 4 3. Witness expenses/expert
witness fee (General Fund) (-.0070299 .0069808);
- 5 4. Virginia Crime Victim-
Witness Fund (-.0105447 .0104712);
- 6 5. Intensified Drug Enforcement
Jurisdiction Fund (-.0070299 .0139616);
- 7 6. Criminal Injuries
Compensation Fund (-.0702988 .0698080);
- 8 7. Commonwealth's Attorney Fund
(state share) (-.0087874 .0087260);
- 9 8. Commonwealth's Attorney Fund

(local share) (~~-.0087874~~ .0087260);

~~10~~ 9. Regional Criminal Justice Academy Training Fund (~~-.0035149~~ .0034904);

~~11~~ 10. Warrant fee, as prescribed by § 17.1-272 (~~-.0421793~~ .0418848);

~~12~~ 11. Courthouse Construction/Maintenance Fund (~~-.0070299~~ .0069808);

~~13~~ 12. Clerk of the circuit court (~~-.0702988~~ .0698080);

~~14~~ 13. Forensic laboratory fee (General Fund) (~~-.3514938~~ .3490401); and

~~15~~ 14. Drug Offender Assessment Fund (~~-.2636204~~ .2617801).

§ 17.1-275.9. (Effective July 1, 2003) 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~~ \$67 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~~ .0447761);
2. Intensified Drug Enforcement Jurisdiction Fund (~~-.030770~~ .0597015);
3. Witness expenses/expert witness fee (General Fund) (~~-.030769~~ .0298507);
4. Commonwealth's Attorney Fund (state share) (~~-.0384614~~ .0373134);
5. Commonwealth's Attorney Fund (local share) (~~-.0384614~~ .0373134);
6. Criminal Injuries Compensation Fund (~~-.3076923~~ .2985075);
7. Regional Criminal Justice Training Academy Fund (~~-.0153846~~ .0149254);
8. Warrant fee, as prescribed by § 17.1-272 (~~-.1846153~~ .1791045); and
9. Clerk of the circuit court (~~-.3076922~~ .2985075).

§ 53.1-131.1. (Effective until July 1, 2003) 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~~ *sheriff, if he is responsible for operating a jail, or by the regional jail superintendent*, and remitted by the *sheriff* to the treasurer of the appropriate county or city, *or by the regional jail superintendent to the regional jail board or authority*, solely for the purposes of defraying the costs ~~herein~~ *of such weekend or nonconsecutive incarceration. The funds collected pursuant to this section shall not be used for purposes other than those provided for in this section.* The assessment provided for herein shall be in addition to any other fees prescribed by law. 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.

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