

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*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, 17.1-275.2, 17.1-275.5, as it is effective and as it shall become effective, 17.1-275.7, 17.1-275.8 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

**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, 17.1-275.2, 17.1-275.5, as it is effective and as it shall become effective, 17.1-275.7, 17.1-275.8 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:

1. Processing fee (General Fund) (.614035);

2. Virginia Crime Victim-Witness Fund (.052632);

3. Regional Criminal Justice Training Academies Fund (.017544);

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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~~ \$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:

1. Processing fee (General Fund) (~~.596490~~ .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); ~~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~~ .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) (~~.060605~~ .060606); ~~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~~ \$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) (~~-.809523~~ .829787);
  2. Virginia Crime Victim-Witness Fund (~~-.071429~~ .063830);
  3. Regional Criminal Justice Training Academies Fund (~~-.023810~~ .021277);
  4. Courthouse Construction/Maintenance Fund (~~-.047619~~ .042553); and
  5. Intensified Drug Enforcement Jurisdiction Fund (~~-.047619~~ .042553).

§ 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~~ 348, 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~~ .5070114);
- ~~2. Sentencing/supervision fee~~
- ~~(local share)~~ (~~-.0236729~~);
- 3 2. Forensic science fund (~~-.1038874~~ .1113506);
- 4 3. Court reporter fund (~~-.0891958~~ .0956034);
- 5 4. Witness expenses/expert witness fund (~~-.0053619~~ .0057472);

230 6 5. Virginia Crime Victim-  
 231  
 232 Witness Fund (~~-.0080428~~ .0086206);  
 233  
 234 7 6. Intensified Drug Enforcement  
 235  
 236 Jurisdiction Fund (~~-.0053619~~ .0057472);  
 237  
 238 8 7. Criminal Injuries  
 239  
 240 Compensation Fund (~~-.0804289~~ .0862068);  
 241  
 242 9 8. Commonwealth's attorney fund  
 243  
 244 (state share) (~~-.0201072~~ .0215518);  
 245  
 246 ~~10~~ 9. Commonwealth's attorney fund  
 247  
 248 (local share) (~~-.0201072~~ .0215518);  
 249  
 250 ~~11~~ 10. Regional Criminal Justice  
 251  
 252 Academy Training Fund (~~-.0026809~~ .0028735);  
 253  
 254 ~~12~~ 11. Warrant fee (~~-.0321715~~ .0344827);  
 255  
 256 ~~13~~ 12. Courthouse construction/  
 257  
 258 maintenance fund (~~-.0053619~~ .0057472); and  
 259  
 260 ~~14~~ 13. Clerk of the circuit court (~~-.0872391~~ .0935058);  
 261  
 262 ~~15.~~ ~~Blood, saliva or tissue~~  
 263  
 264 ~~sample withdrawal fee~~  
 265  
 266 (~~General Fund~~) (~~-.0335120~~); and  
 267  
 268 ~~16.~~ ~~Blood, saliva or tissue sample~~  
 269  
 270 ~~withdrawal fee (local share) (~~-.0335120~~).~~  
 271

272 § 17.1-275.2. (Effective July 1, 2003) Fixed fee for felony reduced to misdemeanor.

273 In circuit court, upon the conviction of a person of any and each misdemeanor reduced from a felony  
 274 charge, or upon a deferred disposition of proceedings in the case of any and each misdemeanor reduced  
 275 from a felony charge and deferred pursuant to the terms and conditions of §§ 4.1-305, 16.1-278.8,  
 276 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,  
 277 to be known as the fixed fee for felony reduced to misdemeanor. However, this section shall not apply  
 278 to those proceedings provided for in § 17.1-275.8.

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

281 1. Sentencing/supervision  
 282  
 283 fee (General Fund) (~~-.17315~~ .19240);  
 284

285 ~~2. Sentencing/supervision fee~~  
 286

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287 (local share) (.01925);
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288  
289 3 2. Forensic science fund (.19375);

290  
291 4 3. Court reporter fund (.16635);

292  
293 5 4. Witness expenses/expert

294  
295 witness fund (.01000);

296  
297 6 5. Virginia Crime Victim-

**298**

**299**           Witness Fund   (.01500);

300  
301 7 6. Intensified Drug Enforcement

302  
303 Jurisdiction Fund (.01000);

304  
305 & 7. Criminal Injuries

306  
307 Compensation Fund (.10000);

308  
309 9 8. Commonwealth's attorney fund

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310
311         (state share)                                (.03750);

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312  
313 10 9. Commonwealth's attorney fund

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314
315         (local share)                                (.03750);

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316  
317 11 10. Regional Criminal Justice

318  
319 Academy Training Fund (.00500);

320  
321 12 11. Warrant fee (.06000);  
322

322  
323 13 12. Courthouse construction/  
324

324  
325 maintenance fund (.01000); and

326  
327 14 13. Clerk of the circuit court (.16250).  
328

§ 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:~~

**334** 1. Any amount paid by the Commonwealth for legal representation of the defendant;

**335** 2. Any amount paid for trial transcripts;

336 3. Extradition costs;  
337

4. Costs of psychiatric evaluation;

338 5. Costs taxed against the defendant as appellant under Rule 5A:30 of the Rules of the Supreme  
339 Court;

340 6. Any fee for a returned check or disallowed credit card charge assessed pursuant to § 17.1-275 A  
341 28;

342 7. Any jury costs; and

**343** 8. Any assessment made pursuant to § 17.1-275 A 10;

**344** 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; 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 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~~ \$68, 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 .0147059);

~~2. Sentencing/supervision fee~~

~~(local share) (-.0110295);~~

3 2. Witness expenses/expert

witness fee (General Fund) (.0294118);

4 3. Virginia Crime Victim-

Witness Fund (.0441176);

405  
 406 5 4. Intensified Drug Enforcement  
 407  
 408 Jurisdiction Fund (.0294118);  
 409  
 410 6 5. Criminal Injuries  
 411  
 412 Compensation Fund (.2941176);  
 413  
 414 7 6. Commonwealth's Attorney Fund  
 415  
 416 (state share) (.0367648);  
 417  
 418 8 7. Commonwealth's Attorney Fund  
 419  
 420 (local share) (.0367648);  
 421  
 422 9 8. Regional Criminal Justice  
 423  
 424 Academy Training Fund (.0147058);  
 425  
 426 10 9. Warrant fee, as prescribed by  
 427  
 428 § 17.1-272 (.1764705);  
 429  
 430 11 10. Courthouse Construction/  
 431  
 432 Maintenance Fund (.0294118); and  
 433  
 434 12 11. Clerk of the circuit court (.2941176).  
 435  
 436 § 17.1-275.8. (Effective July 1, 2003) Fixed drug misdemeanor fee.  
 437 In circuit court, upon conviction of any and each misdemeanor charge, whether or not originally  
 438 charged as a felony, for a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of  
 439 Title 18.2, or upon a deferred disposition of proceedings in the case of any and each misdemeanor  
 440 charge, whether or not originally charged as a felony, deferred pursuant to the terms and conditions of  
 441 § 18.2-251, there shall be assessed as court costs a fee of \$284.50, to be known as the fixed drug  
 442 misdemeanor fee. This fee shall be in addition to any fee assessed in the district court.  
 443 The amount collected, in whole or in part, for the fixed drug misdemeanor fee shall be apportioned,  
 444 as provided by law, to the following funds in the fractional amounts designated:  
 445 1. Sentencing/supervision  
 446  
 447 fee (General Fund) (~~.1054481~~ .1318101);  
 448  
 449 ~~2. Sentencing/supervision fee~~  
 450  
 451 ~~(local share)~~ (~~.0263620~~);  
 452  
 453 3 2. Court Reporter Fund (.0175747);  
 454  
 455 4 3. Witness expenses/expert  
 456  
 457 witness fee (General Fund) (.0070299);  
 458  
 459 5 4. Virginia Crime Victim-  
 460  
 461 Witness Fund (.0105447);



- 6 5. Intensified Drug Enforcement  
Jurisdiction Fund (.0070299);
- 7 6. Criminal Injuries  
Compensation Fund (.0702988);
- 8 7. Commonwealth's Attorney Fund  
(state share) (.0087874);
- 9 8. Commonwealth's Attorney Fund  
(local share) (.0087874);
- 10 9. Regional Criminal Justice  
Academy Training Fund (.0035149);
- 11 10. Warrant fee, as prescribed  
by § 17.1-272 (.0421793);
- 12 11. Courthouse Construction/  
Maintenance Fund (.0070299);
- 13 12. Clerk of the circuit court (.0702988);
- 14 13. Forensic laboratory fee  
(General Fund) (.3514938); and
- 15 14. Drug Offender Assessment Fund (.2636204).

§ 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.

520 § 53.1-131.1. (Effective July 1, 2003) Provision for sentencing of person to nonconsecutive days in  
521 jail; payment to defray costs; penalty.

522 Any court having jurisdiction for the trial of a person charged with a misdemeanor or traffic offense  
523 or charged with any offense under Chapter 5 (§ 20-61 et seq.) of Title 20 may, if the defendant is  
524 convicted and sentenced to confinement in jail, impose the time to be served on weekends or  
525 nonconsecutive days to permit the convicted defendant to retain gainful employment. ~~Whenever the costs~~  
526 ~~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~~  
527 ~~§ 16.1-69.48:1 are assessed, a portion of those costs, as specified in those sections, shall be remitted to~~  
528 ~~the treasurer of the appropriate county or city as a share of the sentencing/supervision fee~~ A person  
529 *sentenced pursuant to this section shall pay an amount to defray the cost of his keep, which amount*  
530 *shall be the actual cost of incarceration but shall not exceed that amount charged to the Compensation*  
531 *Board for purposes of reimbursement as provided in the general appropriation act. Such amount shall*  
532 *be collected by the sheriff, if he is responsible for operating a jail, or by the regional jail*  
533 *superintendent, and remitted by the sheriff to the treasurer of the appropriate county or city, or by the*  
534 *regional jail superintendent to the regional jail board or authority, solely for the purposes of defraying*  
535 *the costs of such weekend or nonconsecutive incarceration. The funds collected pursuant to this section*  
536 *shall not be used for purposes other than those provided for in this section.* The assessment provided for  
537 herein shall be in addition to any other fees prescribed by law. If the defendant willfully fails to report  
538 at times specified by the court, the sentence imposed pursuant to this section shall be revoked and a  
539 straight jail sentence imposed.

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