

030828408

SENATE BILL NO. 1129

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance
on January 29, 2003)

(Patron Prior to Substitute—Senator Norment)

A *BILL 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.*

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);
4. Courthouse Construction/Maintenance Fund (.035088);

59

60 5. Criminal Injuries Compensation Fund (.105263);

61

62 6. Intensified Drug Enforcement Jurisdiction Fund (.035088); and

63

64 7. Sentencing/supervision fee (General Fund) (.140351).

65

66 C. In criminal actions and proceedings in district court for a violation of any provision of Article 1
67 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, there shall be assessed as court costs a fixed fee of
68 \$132. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by
69 law, to the following funds in the fractional amounts designated:

70 1. Processing fee (General Fund) (.265152);

71

72 2. Virginia Crime Victim-Witness Fund (.022727);

73

74 3. Regional Criminal Justice Training Academies Fund (.007576);

75

76 4. Courthouse Construction/Maintenance Fund (.015152);

77

78 5. Criminal Injuries Compensation Fund (.045455);

79

80 6. Intensified Drug Enforcement Jurisdiction Fund (.015152);

81

82 7. Drug Offender Assessment Fund (.568182); and

83

84 8. Forensic laboratory fee and sentencing/

85

86 supervision fee (General Fund) (.060606).

87

88 D. In traffic infractions tried in district court, there shall be assessed as court costs a fixed fee of
89 \$47. The amount collected, in whole or in part, for the fixed fee shall be apportioned, as provided by
90 law, to the following funds in the fractional amounts designated:

91 1. Processing fee (General Fund) (.829787);

92

93 2. Virginia Crime Victim-Witness Fund (.063830);

94

95 3. Regional Criminal Justice Training Academies Fund (.021277);

96

97 4. Courthouse Construction/Maintenance Fund (.042553); and

98

99 5. Intensified Drug Enforcement Jurisdiction Fund (.042553).

100

101 § 16.1-69.48:1. (Effective July 1, 2003) Fixed fee for misdemeanors, traffic infractions and other
102 violations in district court; additional fees to be added.

103 A. Assessment of the fees provided for in this section shall be based on: (i) an appearance for court
104 hearing in which there has been a finding of guilty; (ii) a written appearance with waiver of court
105 hearing and entry of guilty plea; (iii) for a defendant failing to appear, a trial in his or her absence
106 resulting in a finding of guilty; (iv) an appearance for court hearing in which the court requires that the
107 defendant successfully complete traffic school or a driver improvement clinic, in lieu of a finding of
108 guilty; or (v) a deferral of proceedings pursuant to §§ 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3,
109 18.2-67.2:1, 18.2-251 or § 19.2-303.2.

110 In addition to any other fee prescribed by this section, a fee of ~~ten dollars~~ \$10 shall be taxed as costs
111 whenever a defendant fails to appear, unless, after a hearing requested by such person, good cause is
112 shown for such failure to appear. No defendant with multiple charges arising from a single incident shall
113 be taxed the fee provided in this section more than once for a single appearance or trial in absence
114 related to that incident. A defendant with charges which arise from separate incidents shall be taxed a
115 fee for each incident even if the charges from the multiple incidents are disposed of in a single
116 appearance or trial in absence.

117 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~~ .052632);
3. Regional Criminal Justice Training Academies Fund (~~-.017544~~ .017544);
4. Courthouse Construction/Maintenance Fund (~~-.035088~~ .035088);
5. Criminal Injuries Compensation Fund (~~-.105263~~ .105263);
6. Intensified Drug Enforcement Jurisdiction Fund (~~-.035088~~ .035088); and
7. Sentencing/supervision fee (General Fund) (~~-.140351~~ .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~~ .022727);
3. Regional Criminal Justice Training Academies Fund (~~-.007576~~ .007576);
4. Courthouse Construction/Maintenance Fund (~~-.015152~~ .015152);
5. Criminal Injuries Compensation Fund (~~-.045455~~ .045455);
6. Intensified Drug Enforcement Jurisdiction Fund (~~-.015152~~ .015152);
7. Drug Offender Assessment Fund (~~-.568182~~ .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);

- 175
 176 2. Virginia Crime Victim-Witness Fund ~~(-.071429)~~(.063830);
 177
 178 3. Regional Criminal Justice Training Academies Fund ~~(-.023810)~~(.021277);
 179
 180 4. Courthouse Construction/Maintenance Fund ~~(-.047619)~~(.042553); and
 181
 182 5. Intensified Drug Enforcement Jurisdiction Fund ~~(-.047619)~~(.042553).
 183

184 § 16.1-69.48:2. Fees for services of district court judges and clerks and magistrates in civil cases.

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

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

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

201 The clerk of any district court may charge a fee for making a copy of any paper of record to go out
 202 of his office which is not otherwise specifically provided for. The amount of this fee shall be set in the
 203 discretion of the clerk but shall not exceed one dollar for the first ~~two~~ 2 pages and ~~fifty~~ 50 cents for
 204 each page thereafter.

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

208 § 17.1-275.1. (Effective July 1, 2003) Fixed felony fee.

209 Upon conviction of any and each felony charge or upon a deferred disposition of proceedings in
 210 circuit court in the case of any and each felony disposition deferred pursuant to the terms and conditions
 211 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
 212 be assessed as court costs a fee of ~~\$373~~ 348, to be known as the fixed felony fee.

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

- 215 1. Sentencing/supervision
 216
 217 fee (General Fund) ~~(-.4493566~~ .5070114);
 218
 219 ~~2. Sentencing/supervision fee-~~
 220
 221 ~~(local share)~~ ~~(-.0236729)~~;
 222
 223 32. Forensic science fund ~~(-.1038874~~ .1113506);
 224
 225 43. Court reporter fund ~~(-.0891958~~ .0956034);
 226
 227 54. Witness expenses/expert
 228
 229 witness fund ~~(-.0053619~~ .0057472);
 230
 231 65. Virginia Crime Victim-
 232
 233 Witness Fund ~~(-.0080428~~ .0086206);

234
 235 76. Intensified Drug Enforcement
 236
 237 Jurisdiction Fund (-0053619 .0057472);
 238
 239 87. Criminal Injuries
 240
 241 Compensation Fund (-0804289 .0862068);
 242
 243 98. Commonwealth's attorney fund
 244
 245 (state share) (-0201072 .0215518)
 246
 247 109. Commonwealth's attorney fund
 248
 249 (local share) (-0201072 .0215518);
 250
 251 110. Regional Criminal Justice
 252
 253 Academy Training Fund (-0026809 .0028735);
 254
 255 1211. Warrant fee (-0321715 .0344827);
 256
 257 1312. Courthouse construction/
 258
 259 maintenance fund (-0053619 .0057472); and
 260
 261 1413. Clerk of the circuit court (-0872391 .0935058);
 262
 263 15. ~~Blood, saliva or tissue~~
 264
 265 ~~sample withdrawal fee~~
 266
 267 ~~(General Fund)~~ (-0335120); and
 268
 269 16. ~~Blood, saliva or tissue sample~~
 270
 271 ~~withdrawal fee (local share)~~ (-0335120).
 272
 273 § 17.1-275.2. (Effective July 1, 2003) Fixed fee for felony reduced to misdemeanor.
 274 In circuit court, upon the conviction of a person of any and each misdemeanor reduced from a felony
 275 charge, or upon a deferred disposition of proceedings in the case of any and each misdemeanor reduced
 276 from a felony charge and deferred pursuant to the terms and conditions of §§ 4.1-305, 16.1-278.8,
 277 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,
 278 to be known as the fixed fee for felony reduced to misdemeanor. However, this section shall not apply
 279 to those proceedings provided for in § 17.1-275.8.
 280 The amount collected, in whole or in part, for the fixed fee for felony reduced to misdemeanor shall
 281 be apportioned to the following funds in the fractional amounts designated:
 282 1. Sentencing/supervision
 283
 284 fee (General Fund) (-17315 .19240);
 285
 286 2. ~~Sentencing/supervision fee~~
 287
 288 ~~(local share)~~ (-01925);
 289
 290 32. Forensic science fund (.19375);

291
 292 43. Court reporter fund (.16635);
 293
 294 54. Witness expenses/expert
 295
 296 witness fund (.01000)
 297
 298 65. Virginia Crime Victim-
 299
 300 Witness Fund (.01500);
 301
 302 76. Intensified Drug Enforcement
 303
 304 Jurisdiction Fund (.01000);
 305
 306 87. Criminal Injuries
 307
 308 Compensation Fund (.10000);
 309
 310 98. Commonwealth's attorney fund
 311
 312 (state share) (.03750);
 313
 314 109. Commonwealth's attorney fund
 315
 316 (local share) (.03750);
 317
 318 110. Regional Criminal Justice
 319
 320 Academy Training Fund (.00500);
 321
 322 1211. Warrant fee (.06000);
 323
 324 1312. Courthouse construction/
 325
 326 maintenance fund (.01000); and
 327
 328 1413. Clerk of the circuit court (.16250).
 329
 330 § 17.1-275.5. (Effective until July 1, 2003) Amounts to be added; judgment in favor of the
 331 Commonwealth.
 332 A. The clerk shall assess, in addition to the ~~fixed felony fee, the fixed fee for felony reduced to~~
 333 ~~misdemeanor, or the fixed revocation fee, as the case may be~~ *fees provided for by §§ 17.1-275.1 through*
 334 *17.1-275.4, 17.1-275.7, 17.1-275.8, or § 17.1-275.9, the following costs:*
 335 1. Any amount paid by the Commonwealth for legal representation of the defendant;
 336 2. Any amount paid for trial transcripts;
 337 3. Extradition costs;
 338 4. Costs of psychiatric evaluation;
 339 5. Costs taxed against the defendant as appellant under Rule 5A:30 of the Rules of the Supreme
 340 Court;
 341 6. Any fee for a returned check or disallowed credit card charge assessed pursuant to § 17.1-275 A
 342 28;
 343 7. Any jury costs; ~~and~~
 344 8. Any assessment made pursuant to § 17.1-275 A 10;
 345 9. *Any blood withdrawal fees as prescribed in §§ 18.2-268.8 and 46.2-341.26:8;*
 346 10. *Any court costs related to an ignition interlock device;*
 347 11. *Any fee for testing for HIV;*
 348 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);~~

32. Witness expenses/expert

witness fee (General Fund) (.0294118);

43. Virginia Crime Victim-

Witness Fund (.0441176);

54. Intensified Drug Enforcement

409 Jurisdiction Fund (.0294118);
 410
 411 65. Criminal Injuries
 412
 413 Compensation Fund (.2941176);
 414
 415 76. Commonwealth's Attorney Fund
 416
 417 (state share) (.0367648);
 418
 419 87. Commonwealth's Attorney Fund
 420
 421 (local share) (.0367648);
 422
 423 98. Regional Criminal Justice
 424
 425 Academy Training Fund (.0147058);
 426
 427 109. Warrant fee, as prescribed by
 428
 429 § 17.1-272 (.1764705);
 430
 431 110. Courthouse Construction/
 432
 433 Maintenance Fund (.0294118); and
 434
 435 121. Clerk of the circuit court (.2941176).
 436
 437 § 17.1-275.8. (Effective July 1, 2003) Fixed drug misdemeanor fee.
 438 In circuit court, upon conviction of any and each misdemeanor charge, whether or not originally
 439 charged as a felony, for a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of
 440 Title 18.2, or upon a deferred disposition of proceedings in the case of any and each misdemeanor
 441 charge, whether or not originally charged as a felony, deferred pursuant to the terms and conditions of
 442 § 18.2-251, there shall be assessed as court costs a fee of \$284.50, to be known as the fixed drug
 443 misdemeanor fee. This fee shall be in addition to any fee assessed in the district court.
 444 The amount collected, in whole or in part, for the fixed drug misdemeanor fee shall be apportioned,
 445 as provided by law, to the following funds in the fractional amounts designated:
 446 1. Sentencing/supervision
 447
 448 fee (General Fund) (~~.1054481~~ .1318101);
 449
 450 ~~2. Sentencing/supervision fee~~
 451
 452 ~~(local share)~~ ~~(.0263620);~~
 453
 454 32. Court Reporter Fund (.0175747);
 455
 456 43. Witness expenses/expert
 457
 458 witness fee (General Fund) (.0070299);
 459
 460 54. Virginia Crime Victim-
 461
 462 Witness Fund (.0105447);
 463
 464 65. Intensified Drug Enforcement
 465

Jurisdiction Fund (.0070299);
 76. Criminal Injuries
 Compensation Fund (.0702988);
 87. Commonwealth's Attorney Fund
 (state share) (.0087874);
 98. Commonwealth's Attorney Fund
 (local share) (.0087874);
 109. Regional Criminal Justice
 Academy Training Fund (.0035149);
 110. Warrant fee, as prescribed
 by § 17.1-272 (.0421793);
 1211. Courthouse Construction/
 Maintenance Fund (.0070299);
 1312. Clerk of the circuit court (.0702988);
 1413. Forensic laboratory fee
 (General Fund) (.3514938); and
 1514. 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.

§ 53.1-131.1. (Effective 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

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

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