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SENATE BILL NO. 1134

Offered January 14, 2009

Prefiled January 13, 2009

A BILL to amend and reenact § 17.1-281 of the Code of Virginia, relating to assessment for electronic summons system.

Patrons—Petersen and Barker; Delegate: Scott, J.M.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-281 of the Code of Virginia is amended and reenacted as follows:

§ 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.

Any county or city, through its governing body, may assess an additional sum not in excess of three dollars as part of the costs in 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 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 to a local law-enforcement agency solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system.

The ~~assessment~~ assessments 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.

INTRODUCED

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