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SENATE BILL NO. 1387

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 23, 2009)

(Patron Prior to Substitute—Senator Stolle)

A BILL to amend and reenact § 17.1-281 of the Code of Virginia, relating to assessment for courthouse construction, renovation, or maintenance.

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.

A. 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.

B. 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.

C. Any county or city which, on or after January 1, 2009, operated a courthouse not in compliance with the current safety and security guidelines contained in the Virginia Courthouse Facility Guidelines, as certified by the Department of General Services upon application to the Department by the county or city, and which cannot be feasibly renovated to correct such non-compliance, through its governing body, may assess an additional sum not in excess of three 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. Such additional fee assessed under this subsection shall not be assessed in any civil action if the amount in controversy is \$500 or less. Any locality which applies for certification from the Department under this subsection shall reimburse the Department for the actual costs incurred by the Department in complying with the certification request.

D. 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 solely for the construction of a courthouse.

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