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HOUSE BILL NO. 2150

Offered January 12, 2011

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A *BILL to amend and reenact §§ 17.1-275.1 through 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-275.9, and 17.1-275.12 of the Code of Virginia, relating to fixed felony and misdemeanor fees.*

Patrons—Cline and Landes; Senator: Reynolds

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 17.1-275.1 through 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-275.9, and 17.1-275.12 of the Code of Virginia are amended and reenacted as follows:

§ 17.1-275.1. 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, or 18.2-251, there shall be assessed as court costs a fee of ~~\$350~~ \$385, 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) ~~(.5041143)~~ (.4582856);
2. Forensic science fund ~~(.1107143)~~ (.1006292);
3. Court reporter fund ~~(.0950571)~~ (.0864155);
4. Witness expenses/expert witness fund ~~(.0057143)~~ (.0051948);
5. Virginia Crime Victim-Witness Fund ~~(.0085714)~~ (.0077922);
6. Intensified Drug Enforcement Jurisdiction Fund ~~(.0114286)~~ (.0103896);
7. Criminal Injuries Compensation Fund ~~(.0857143)~~ (.0779221);
8. Commonwealth's attorney fund (state share) ~~(.0214286)~~ (.0519481);
9. Commonwealth's attorney fund (local share) ~~(.0214286)~~ (.0519481);
10. Regional Criminal Justice Academy Training Fund ~~(.0028571)~~ (.0025974);
11. Warrant fee ~~(.0342857)~~ (.0311688);
12. Courthouse construction/maintenance fund ~~(.0057143)~~; and (.0051948);
13. Clerk of the circuit court ~~(.0929714)~~; (.0845195); and
14. *Internet Crimes Against Children Fund* (.0259740).

§ 17.1-275.2. 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, or 19.2-303.2, there shall be assessed as court costs a fee of ~~\$202~~ \$237, 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) ~~(.1904950)~~ (.1623629);
2. Forensic science fund ~~(.1918317)~~ (.1635021);
3. Court reporter fund ~~(.1647030)~~ (.1403798);
4. Witness expenses/expert witness fund ~~(.0099010)~~ (.0084388);
5. Virginia Crime Victim-Witness Fund ~~(.0148515)~~ (.0126582);
6. Intensified Drug Enforcement Jurisdiction Fund ~~(.0198020)~~ (.0168776);
7. Criminal Injuries Compensation Fund ~~(.0990099)~~ (.0843882);
8. Commonwealth's attorney fund (state share) ~~(.0371287)~~ (.0843882);
9. Commonwealth's attorney fund (local share) ~~(.0371287)~~ (.0843882);
10. Regional Criminal Justice Academy Training Fund ~~(.0049505)~~ (.0042194);
11. Warrant fee ~~(.0594059)~~ (.0506328);
12. Courthouse construction/maintenance fund ~~(.0099010)~~; and (.0084388);
13. Clerk of the circuit court ~~(.1608911)~~; (.1371308); and
14. *Internet Crimes Against Children Fund* (.0421941).

§ 17.1-275.3. Fixed felony revocation fee.

Upon the partial or full revocation of suspension of sentence or probation of a convicted felon

59 pursuant to § 19.2-306, other than a revocation for failure to pay previously assessed court costs, there
 60 shall be assessed as court costs a fee of ~~\$133~~ \$168 to be known as the fixed felony revocation fee. A
 61 single fixed felony revocation fee shall be assessed per defendant per hearing without regard to the
 62 number of revocations being considered.

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

- 65 1. Virginia Crime Victim-Witness Fund (~~-.0225564~~) (.0178572);
- 66 2. Intensified Drug Enforcement Jurisdiction Fund (~~-.0300752~~) (.0238095);
- 67 3. Court reporter fund (~~-.2501504~~) (.1980357);
- 68 4. Witness expenses/expert witness fund (~~-.0150376~~) (.0119048);
- 69 5. Commonwealth's attorney fund (state share) (~~-.0563910~~) (.1190476);
- 70 6. Commonwealth's attorney fund (local share) (~~-.0563910~~) (.1190476);
- 71 7. Criminal Injuries Compensation Fund (~~-.2255639~~) (.1785714);
- 72 8. Regional Criminal Justice Academy Training Fund (~~-.0075188~~) (.0059524);
- 73 9. Warrant fee (~~-.0902256~~); and (.0714286);
- 74 10. Clerk of the circuit court (~~-.2460902~~) (.1948214); and
- 75 11. *Internet Crimes Against Children Fund* (.0595238).

76 § 17.1-275.4. Fixed misdemeanor reduced from felony revocation fee.

77 In circuit court, when a person whose charge was reduced from a felony charge is convicted of a
 78 misdemeanor and subsequently suffers partial or full revocation of his suspension of sentence or
 79 probation pursuant to § 19.2-306, other than a revocation for failure to pay previously assessed court
 80 costs, he shall be assessed as court costs a fee of ~~\$89.50~~ \$124.50 to be known as the fixed misdemeanor
 81 reduced from felony revocation fee. A single fixed misdemeanor reduced from felony revocation fee
 82 shall be assessed per defendant per hearing without regard to the number of misdemeanor revocations
 83 being considered except that if a revocation of probation or suspended sentence upon a felony
 84 conviction is also being considered at the same revocation proceeding, a single fixed felony revocation
 85 fee shall apply instead. The amount collected, in whole or in part, for the fixed misdemeanor reduced
 86 from felony revocation fee shall be apportioned, as provided by law, to the following funds in the
 87 fractional amounts designated:

- 88 1. Virginia Crime Victim-Witness Fund (~~-.0335196~~) (.0240964);
- 89 2. Intensified Drug Enforcement Jurisdiction Fund (~~-.0446927~~) (.0321285);
- 90 3. Witness expenses/expert witness fund (~~-.0223464~~) (.0160642);
- 91 4. Commonwealth's attorney fund (state share) (~~-.0837989~~) (.1606426);
- 92 5. Commonwealth's attorney fund (local share) (~~-.0837989~~) (.1606426);
- 93 6. Criminal Injuries Compensation Fund (~~-.2234637~~) (.1606426);
- 94 7. Regional Criminal Justice Training Academy Fund (~~-.0111732~~) (.0080321);
- 95 8. Warrant fee, as prescribed by § 17.1-272 (~~-.1340782~~); and (.0963855);
- 96 9. Clerk of the circuit court (~~-.3631285~~) (.2610442); and
- 97 10. *Internet Crimes Against Children Fund* (.0803212).

98 § 17.1-275.7. Fixed misdemeanor fee.

99 In circuit court, upon (i) conviction of any and each misdemeanor, not originally charged as a felony;
 100 (ii) a deferred disposition of proceedings in the case of any and each misdemeanor not originally
 101 charged as a felony and deferred pursuant to the terms and conditions of § 4.1-305, 16.1-278.8,
 102 16.1-278.9, 18.2-57.3, or 19.2-303.2; (iii) any and each conviction of a traffic infraction or referral to a
 103 driver improvement clinic or traffic school in lieu of a finding of guilt for a traffic infraction; or (iv)
 104 proof of compliance with law under §§ 46.2-104 and 46.2-1157, there shall be assessed as court costs a
 105 fee of ~~\$70~~ \$90, to be known as the fixed misdemeanor fee. However, this section shall not apply to
 106 those proceedings provided for in § 17.1-275.8. This fee shall be in addition to any fee assessed in the
 107 district court.

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

- 110 1. Sentencing/supervision fee (General Fund) (~~-.0142857~~) (.0111111);
- 111 2. Witness expenses/expert witness fee (General Fund) (~~-.0285714~~) (.0222222);
- 112 3. Virginia Crime Victim-Witness Fund (~~-.0428571~~) (.0333333);
- 113 4. Intensified Drug Enforcement Jurisdiction Fund (~~-.0571429~~) (.0444444);
- 114 5. Criminal Injuries Compensation Fund (~~-.2857143~~) (.2222222);
- 115 6. Commonwealth's Attorney Fund (state share) (~~-.0357143~~) (.0833333);
- 116 7. Commonwealth's Attorney Fund (local share) (~~-.0357143~~) (.0833333);
- 117 8. Regional Criminal Justice Academy Training Fund (~~-.0142857~~) (.0111111);
- 118 9. Warrant fee, as prescribed by § 17.1-272 (~~-.1714286~~) (.1333333);
- 119 10. Courthouse Construction/Maintenance Fund (~~-.0285714~~); and (.0222222);
- 120 11. Clerk of the circuit court (~~-.2857143~~) (.2222222); and

121 *12. Internet Crimes Against Children Fund (.111111).*

122 § 17.1-275.8. Fixed drug misdemeanor fee.

123 In circuit court, upon conviction of any and each misdemeanor charge, whether or not originally
124 charged as a felony, for a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of
125 Title 18.2, or upon a deferred disposition of proceedings in the case of any and each misdemeanor
126 charge, whether or not originally charged as a felony, deferred pursuant to the terms and conditions of
127 § 18.2-251, there shall be assessed as court costs a fee of ~~\$286.50~~ \$306.50, to be known as the fixed
128 drug misdemeanor fee. This fee shall be in addition to any fee assessed in the district court.

129 The amount collected, in whole or in part, for the fixed drug misdemeanor fee shall be apportioned,
130 as provided by law, to the following funds in the fractional amounts designated:

- 131 1. Sentencing/supervision fee (General Fund) ~~(.1308901)~~ (.1223491);
- 132 2. Court Reporter Fund ~~(.0174520)~~ (.0163132);
- 133 3. Witness expenses/expert witness fee (General Fund) ~~(.0069808)~~ (.0065253);
- 134 4. Virginia Crime Victim-Witness Fund ~~(.0104712)~~ (.0097879);
- 135 5. Intensified Drug Enforcement Jurisdiction Fund ~~(.0139616)~~ (.0130506);
- 136 6. Criminal Injuries Compensation Fund ~~(.0698080)~~ (.0652528);
- 137 7. Commonwealth's Attorney Fund (state share) ~~(.0087260)~~ (.0244698);
- 138 8. Commonwealth's Attorney Fund (local share) ~~(.0087260)~~ (.0244698);
- 139 9. Regional Criminal Justice Academy Training Fund ~~(.0034904)~~ (.0032626);
- 140 10. Warrant fee, as prescribed by § 17.1-272 ~~(.0418848)~~ (.0391517);
- 141 11. Courthouse Construction/Maintenance Fund ~~(.0069808)~~ (.0065253);
- 142 12. Clerk of the circuit court ~~(.0698080)~~ (.0652528);
- 143 13. Forensic laboratory fee (General Fund) ~~(.3490401)~~; and (.3262642);
- 144 14. Drug Offender Assessment and Treatment Fund ~~(.2617801)~~ (.2446982); and
- 145 15. *Internet Crimes Against Children Fund (.0326264).*

146 § 17.1-275.9. Fixed misdemeanor revocation fee.

147 In circuit court, when a person is convicted of a misdemeanor not originally charged as a felony and
148 subsequently suffers partial or full revocation of his suspension of sentence or probation pursuant to
149 § 19.2-306, he shall be assessed as court costs a fee of ~~\$67~~ \$87 to be known as the fixed misdemeanor
150 revocation fee. A single fixed misdemeanor revocation fee shall be assessed per defendant per hearing
151 without regard to the number of misdemeanor revocations being considered, except that if a revocation
152 of probation or suspended sentence upon a felony conviction is also being considered at the same
153 revocation proceeding, a single fixed felony revocation fee shall apply instead. The amount collected, in
154 whole or in part, for the fixed misdemeanor revocation fee shall be apportioned, as provided by law, to
155 the following funds in the fractional amounts designated:

- 156 1. Virginia Crime Victim-Witness Fund ~~(.0447761)~~ (.0344827);
- 157 2. Intensified Drug Enforcement Jurisdiction Fund ~~(.0597015)~~ (.0459770);
- 158 3. Witness expenses/expert witness fee (General Fund) ~~(.0298507)~~ (.0229884);
- 159 4. Commonwealth's Attorney Fund (state share) ~~(.0373134)~~ (.0862068);
- 160 5. Commonwealth's Attorney Fund (local share) ~~(.0373134)~~ (.0862068);
- 161 6. Criminal Injuries Compensation Fund ~~(.2985075)~~ (.2298851);
- 162 7. Regional Criminal Justice Training Academy Fund ~~(.0149254)~~ (.0114942);
- 163 8. Warrant fee, as prescribed by § 17.1-272 ~~(.1791045)~~; and (.1379310);
- 164 9. Clerk of the circuit court ~~(.2985075)~~ (.2298851); and
- 165 10. *Internet Crimes Against Children Fund (.1149425).*

166 § 17.1-275.12. Additional fee for Internet Crimes Against Children Fund.

167 In addition to the fees provided for by §§ ~~16.1-69.48:1, 16.1-69.48:1.01, 17.1-275.1, 17.1-275.2,~~
168 ~~17.1-275.3, 17.1-275.4, 17.1-275.5, 17.1-275.7, 17.1-275.8, 17.1-275.9, 17.1-275.10, and 17.1-275.11,~~ a
169 A fee of \$10 upon each felony or misdemeanor conviction shall be assessed as court costs. All fees
170 collected pursuant to this section shall be deposited into the state treasury and credited to the Internet
171 Crimes Against Children Fund.

172 There is hereby established in the state treasury the Internet Crimes Against Children Fund. Such
173 fund shall consist of all fees collected under this section, moneys appropriated directly to the Fund, and
174 any other grants or gifts made to the Fund. Moneys in the Fund shall be disbursed in the following
175 manner: to the Virginia State Police, 33.3333 percent of the total annual deposits to support the
176 Northern Virginia Internet Crimes Against Children program; to the Department of Criminal Justice
177 Services, 33.3333 percent of the total annual deposits to support the Southern Virginia Internet Crimes
178 Against Children program; to the Department of Criminal Justice Services, 27.7777 percent of the total
179 annual deposits to support grants and training and equipment for local law-enforcement agencies' use in
180 investigating and prosecuting Internet crimes against children; and to the Department of Social Services,
181 5.5555 percent of the total annual deposits to support the Virginia Child Protection Accountability

182 System established under § 63.2-1530.