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HOUSE BILL NO. 2150

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice on February 4, 2011)

(Patron Prior to Substitute—Delegate Cline)

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

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, and 17.1-275.9 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 \$375, 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)~~ (.4705067);
2. Forensic science fund ~~(.1107143)~~ (.1033333);
3. Court reporter fund ~~(.0950571)~~ (.0887200);
4. Witness expenses/expert witness fund ~~(.0057143)~~ (.0053333);
5. Virginia Crime Victim-Witness Fund ~~(.0085714)~~ (.0080000);
6. Intensified Drug Enforcement Jurisdiction Fund ~~(.0114286)~~ (.0106667);
7. Criminal Injuries Compensation Fund ~~(.0857143)~~ (.0800000);
8. Commonwealth's attorney fund (state share) ~~(.0214286)~~ (.0533333);
9. Commonwealth's attorney fund (local share) ~~(.0214286)~~ (.0533333);
10. Regional Criminal Justice Academy Training Fund ~~(.0028571)~~ (.0026667);
11. Warrant fee ~~(.0342857)~~ (.0320000);
12. Courthouse construction/maintenance fund ~~(.0057143)~~ (.0053333); and
13. Clerk of the circuit court ~~(.0929714)~~ (.0867733).

§ 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 \$227, 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)~~ (.1695154);
2. Forensic science fund ~~(.1918317)~~ (.1707048);
3. Court reporter fund ~~(.1647030)~~ (.1465639);
4. Witness expenses/expert witness fund ~~(.0099010)~~ (.0088106);
5. Virginia Crime Victim-Witness Fund ~~(.0148515)~~ (.0132159);
6. Intensified Drug Enforcement Jurisdiction Fund ~~(.0198020)~~ (.0176211);
7. Criminal Injuries Compensation Fund ~~(.0990099)~~ (.0881057);
8. Commonwealth's attorney fund (state share) ~~(.0371287)~~ (.0881057);
9. Commonwealth's attorney fund (local share) ~~(.0371287)~~ (.0881057);
10. Regional Criminal Justice Academy Training Fund ~~(.0049505)~~ (.0044053);
11. Warrant fee ~~(.0594059)~~ (.0528634);
12. Courthouse construction/maintenance fund ~~(.0099010)~~ (.0088106); and
13. Clerk of the circuit court ~~(.1608911)~~ (.1431718).

§ 17.1-275.3. Fixed felony revocation fee.

Upon the partial or full revocation of suspension of sentence or probation of a convicted felon pursuant to § 19.2-306, other than a revocation for failure to pay previously assessed court costs, there shall be assessed as court costs a fee of \$133 \$158 to be known as the fixed felony revocation fee. A single fixed felony revocation fee shall be assessed per defendant per hearing without regard to the number of revocations being considered.

The amount collected, in whole or in part, for the fixed felony revocation fee shall be apportioned to

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60 the following funds in the fractional amounts designated:

- 61 1. Virginia Crime Victim-Witness Fund (~~-.0225564~~) (.0189873);
- 62 2. Intensified Drug Enforcement Jurisdiction Fund (~~-.0300752~~) (.0253165);
- 63 3. Court reporter fund (~~-.2501504~~) (.2105696);
- 64 4. Witness expenses/expert witness fund (~~-.0150376~~) (.0126582);
- 65 5. Commonwealth's attorney fund (state share) (~~-.0563910~~) (.1265823);
- 66 6. Commonwealth's attorney fund (local share) (~~-.0563910~~) (.1265823);
- 67 7. Criminal Injuries Compensation Fund (~~-.2255639~~) (.1898734);
- 68 8. Regional Criminal Justice Academy Training Fund (~~-.0075188~~) (.0063291);
- 69 9. Warrant fee (~~-.0902256~~) (.0759494); and
- 70 10. Clerk of the circuit court (~~-.2460902~~) (.2071519).

71 § 17.1-275.4. Fixed misdemeanor reduced from felony revocation fee.

72 In circuit court, when a person whose charge was reduced from a felony charge is convicted of a  
 73 misdemeanor and subsequently suffers partial or full revocation of his suspension of sentence or  
 74 probation pursuant to § 19.2-306, other than a revocation for failure to pay previously assessed court  
 75 costs, he shall be assessed as court costs a fee of ~~\$89.50~~ \$114.50 to be known as the fixed misdemeanor  
 76 reduced from felony revocation fee. A single fixed misdemeanor reduced from felony revocation fee  
 77 shall be assessed per defendant per hearing without regard to the number of misdemeanor revocations  
 78 being considered except that if a revocation of probation or suspended sentence upon a felony  
 79 conviction is also being considered at the same revocation proceeding, a single fixed felony revocation  
 80 fee shall apply instead. The amount collected, in whole or in part, for the fixed misdemeanor reduced  
 81 from felony revocation fee shall be apportioned, as provided by law, to the following funds in the  
 82 fractional amounts designated:

- 83 1. Virginia Crime Victim-Witness Fund (~~-.0335196~~) (.0262009);
- 84 2. Intensified Drug Enforcement Jurisdiction Fund (~~-.0446927~~) (.0349345);
- 85 3. Witness expenses/expert witness fund (~~-.0223464~~) (.0174672);
- 86 4. Commonwealth's attorney fund (state share) (~~-.0837989~~) (.1746725);
- 87 5. Commonwealth's attorney fund (local share) (~~-.0837989~~) (.1746725);
- 88 6. Criminal Injuries Compensation Fund (~~-.2234637~~) (.1746725);
- 89 7. Regional Criminal Justice Training Academy Fund (~~-.0111732~~) (.0087336);
- 90 8. Warrant fee, as prescribed by § 17.1-272 (~~-.1340782~~) (.1048035); and
- 91 9. Clerk of the circuit court (~~-.3631285~~) (.2838428).

92 § 17.1-275.7. Fixed misdemeanor fee.

93 In circuit court, upon (i) conviction of any and each misdemeanor, not originally charged as a felony;  
 94 (ii) a deferred disposition of proceedings in the case of any and each misdemeanor not originally  
 95 charged as a felony and deferred pursuant to the terms and conditions of § 4.1-305, 16.1-278.8,  
 96 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  
 97 driver improvement clinic or traffic school in lieu of a finding of guilt for a traffic infraction; or (iv)  
 98 proof of compliance with law under §§ 46.2-104 and 46.2-1157, there shall be assessed as court costs a  
 99 fee of ~~\$70~~ \$80, to be known as the fixed misdemeanor fee. However, this section shall not apply to  
 100 those proceedings provided for in § 17.1-275.8. This fee shall be in addition to any fee assessed in the  
 101 district court.

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

- 104 1. Sentencing/supervision fee (General Fund) (~~-.0142857~~) (.0125000);
- 105 2. Witness expenses/expert witness fee (General Fund) (~~-.0285714~~) (.0250000);
- 106 3. Virginia Crime Victim-Witness Fund (~~-.0428571~~) (.0375000);
- 107 4. Intensified Drug Enforcement Jurisdiction Fund (~~-.0571429~~) (.0500000);
- 108 5. Criminal Injuries Compensation Fund (~~-.2857143~~) (.2500000);
- 109 6. Commonwealth's Attorney Fund (state share) (~~-.0357143~~) (.0937500);
- 110 7. Commonwealth's Attorney Fund (local share) (~~-.0357143~~) (.0937500);
- 111 8. Regional Criminal Justice Academy Training Fund (~~-.0142857~~) (.0125000);
- 112 9. Warrant fee, as prescribed by § 17.1-272 (~~-.1714286~~) (.1500000);
- 113 10. Courthouse Construction/Maintenance Fund (~~-.0285714~~) (.0250000); and
- 114 11. Clerk of the circuit court (~~-.2857143~~) (.2500000).

115 § 17.1-275.8. Fixed drug misdemeanor fee.

116 In circuit court, upon conviction of any and each misdemeanor charge, whether or not originally  
 117 charged as a felony, for a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of  
 118 Title 18.2, or upon a deferred disposition of proceedings in the case of any and each misdemeanor  
 119 charge, whether or not originally charged as a felony, deferred pursuant to the terms and conditions of  
 120 § 18.2-251, there shall be assessed as court costs a fee of ~~\$286.50~~ \$296.50, to be known as the fixed  
 121 drug misdemeanor fee. This fee shall be in addition to any fee assessed in the district court.

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

- 124 1. Sentencing/supervision fee (General Fund) (~~-.1308901~~) (.1264755);  
 125 2. Court Reporter Fund (~~-.0174520~~) (.0168634);  
 126 3. Witness expenses/expert witness fee (General Fund) (~~-.0069808~~) (.0067454);  
 127 4. Virginia Crime Victim-Witness Fund (~~-.0104712~~) (.0101180);  
 128 5. Intensified Drug Enforcement Jurisdiction Fund (~~-.0139616~~) (.0134907);  
 129 6. Criminal Injuries Compensation Fund (~~-.0698080~~) (.0674536);  
 130 7. Commonwealth's Attorney Fund (state share) (~~-.0087260~~) (.0252951);  
 131 8. Commonwealth's Attorney Fund (local share) (~~-.0087260~~) (.0252951);  
 132 9. Regional Criminal Justice Academy Training Fund (~~-.0034904~~) (.0033727);  
 133 10. Warrant fee, as prescribed by § 17.1-272 (~~-.0418848~~) (.0404722);  
 134 11. Courthouse Construction/Maintenance Fund (~~-.0069808~~) (.0067454);  
 135 12. Clerk of the circuit court (~~-.0698080~~) (.0674536);  
 136 13. Forensic laboratory fee (General Fund) (~~-.3490401~~) (.3372681); and  
 137 14. Drug Offender Assessment and Treatment Fund (~~-.2617801~~) (.2529511).  
 138 § 17.1-275.9. Fixed misdemeanor revocation fee.

139 In circuit court, when a person is convicted of a misdemeanor not originally charged as a felony and  
 140 subsequently suffers partial or full revocation of his suspension of sentence or probation pursuant to  
 141 § 19.2-306, he shall be assessed as court costs a fee of \$~~67~~ \$77 to be known as the fixed misdemeanor  
 142 revocation fee. A single fixed misdemeanor revocation fee shall be assessed per defendant per hearing  
 143 without regard to the number of misdemeanor revocations being considered, except that if a revocation  
 144 of probation or suspended sentence upon a felony conviction is also being considered at the same  
 145 revocation proceeding, a single fixed felony revocation fee shall apply instead. The amount collected, in  
 146 whole or in part, for the fixed misdemeanor revocation fee shall be apportioned, as provided by law, to  
 147 the following funds in the fractional amounts designated:

- 148 1. Virginia Crime Victim-Witness Fund (~~-.0447761~~) (.0389610);  
 149 2. Intensified Drug Enforcement Jurisdiction Fund (~~-.0597015~~) (.0519481);  
 150 3. Witness expenses/expert witness fee (General Fund) (~~-.0298507~~) (.0259740);  
 151 4. Commonwealth's Attorney Fund (state share) (~~-.0373134~~) (.0974026);  
 152 5. Commonwealth's Attorney Fund (local share) (~~-.0373134~~) (.0974026);  
 153 6. Criminal Injuries Compensation Fund (~~-.2985075~~) (.2597403);  
 154 7. Regional Criminal Justice Training Academy Fund (~~-.0149254~~) (.0129870);  
 155 8. Warrant fee, as prescribed by § 17.1-272 (~~-.1791045~~) (.1558442); and  
 156 9. Clerk of the circuit court (~~-.2985075~~) (.2597403).