

Department of Planning and Budget 2011 Fiscal Impact Statement

1. Bill Number: HB2158ER

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

2. Patron: Iaquinto

3. Committee: Passed Both Houses

4. Title: Bonds in recognizance paid to localities

5. Summary: Provides that all bonds in recognizance in criminal or juvenile cases shall be payable to the county, city or town where the recognizance was entered. The Treasurer or Director of Finance of such county, city or town may engage in collection activity regarding the judgment of default rendered pursuant to § 19.2-143. Presently, bonds in recognizance in criminal or juvenile cases, where the violation is committed against the Commonwealth or where the Commonwealth is a party, are payable to the Commonwealth whereas bonds where the violation is a violation of a county, city or town ordinance are payable to the applicable county, city or town.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Final (Indeterminate, see Item #8)

8. Fiscal Implications: The fiscal impact of this legislation is indeterminate. Recognizance bonds are held in escrow pending the party or witness performing the condition of appearance before the Court. If the party or witness appears in accordance with the conditions of the bond, the bond amount would be returned to the party or witness. If the party or witness does not show in accordance with the conditions of the bond, after satisfying court costs and fines, the balance of the bond amount related to state warrants would be forfeited to the Literary Fund, while the balance of the bond amount related to local warrants would go to the appropriate locality. However, the party that put up the bond or that the bond is for has two years to appear. If they appear anytime within that two year window, the bond amount would be returned to them.

According to the Supreme Court of Virginia (SCV), the criminal bond escrow account had a balance of \$9,022,154 as of June 30, 2010. However, SCV has no data on the amount of bonds forfeited or what portion is associated with state warrants. Therefore, it is not possible to determine the potential loss of funds to the Literary Fund as a result of this legislation.

9. Specific Agency or Political Subdivisions Affected: Courts, Localities

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: February 24, 2011

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