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HOUSE BILL NO. 185

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Counties, Cities and Towns
on January 20, 2012)

(Patron Prior to Substitute—Delegate Gilbert)

A BILL to amend the Code of Virginia by adding a section numbered 19.2-340.1, relating to disposition of fines and forfeitures.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-340.1 as follows:

§ 19.2-340.1. Disposition of fines in criminal cases.

A. In a county, city, or town whose governing body lawfully adopts an ordinance that imposes a criminal penalty, all fines and forfeitures collected upon conviction or upon forfeiture of bail of any person for a violation of the ordinance shall be paid into the county, city, or town treasury. Fees shall be disposed of according to law.

B. When a law-enforcement officer of (i) the Department of State Police or (ii) any other division of the state government makes an arrest or issues a summons for a violation of a provision of the Code of Virginia, the person arrested or summoned shall be charged with and tried for a violation of that Code provision and shall not be charged with and tried for a substantially similar local ordinance. All fines and forfeitures collected upon conviction or upon forfeiture of bail of any person so arrested or summoned shall be credited to the Literary Fund.

HOUSE SUBSTITUTE

HB185H1