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HOUSE BILL NO. 834

Offered January 11, 2012

Prefiled January 11, 2012

A *BILL to amend and reenact §§ 16.1-69.48 and 46.2-1308 of the Code of Virginia, relating to fines under certain local ordinances; Literary Fund.*

Patron—Carr

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.48 and 46.2-1308 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.48. Fees and fines.

A. All fees collected by the judge, substitute judge, clerk or employees, but not including fees belonging to officers other than the judge, clerk or employees, of a general district court or juvenile and domestic relations district court shall be paid promptly to the clerk of the circuit court who shall pay the same into the state treasury. Fees collected for services of the attorney for the Commonwealth shall be paid by the clerk of the circuit court, one-half of such fee shall be paid into the treasury of the county or city in which the offense for which warrant issued was committed, and the other one-half of such fees shall be paid by such clerk on his monthly remittance into the state treasury.

B. Fines collected for violations of city, town or county ordinances shall be paid promptly to the clerk of the circuit court who shall pay monthly into the treasury of the city, town or county whose ordinance has been violated, *except as provided in § 46.2-1308*. All fines collected for violations of the laws of the Commonwealth shall be paid promptly to the clerk of the circuit court who shall pay the same into the state treasury.

C. The word "fees" as used in this section shall include all moneys from every source, exclusive of monthly bank charges, and except collections for child support or support for a spouse or parent, including by way of illustration, but not limited to, the fees collected pursuant to §§ 15.2-1627.3, 16.1-69.48:1, 18.2-268.1 through 18.2-268.12, 18.2-271.1, 19.2-163, 19.2-368.18, 29.1-551, 46.2-383, 46.2-1135, 46.2-1137 and 46.2-1138.1.

§ 46.2-1308. Disposition of fines in traffic cases; failure or neglect to comply with section.

In counties, cities, and towns whose governing bodies adopt the ordinances authorized by §§ 46.2-1300 and 46.2-1304, all fines imposed for violations of such ordinances shall be paid into the county, city, or town treasury. *In counties, cities, and towns whose governing bodies adopt the ordinances authorized by § 46.2-1313, all fines imposed for violations of such ordinances shall be paid to the school division of the locality in which the fines were imposed and into the state treasury to the credit of the Literary Fund in the proportions as follows: beginning July 1, 2012, and through June 30, 2013, 67 percent to the local school division and 33 percent to the Literary Fund; beginning July 1, 2013, and through June 30, 2014, 33 percent to the local school division and 67 percent to the Literary Fund; and beginning July 1, 2014, 100 percent to the Literary Fund.* Fees shall be disposed of according to law.

In all cases, however, in which the arrest is made or the summons is issued by an officer of the Department of State Police or of any other division of the state government, for violation of the motor vehicle laws of the Commonwealth, the person arrested or summoned shall be charged with and tried for a violation of some provision of this title and all fines and forfeitures collected upon convictions or upon forfeitures of bail of any person so arrested or summoned shall be credited to the Literary Fund.

Willful failure, refusal or neglect to comply with this provision shall constitute a Class 4 misdemeanor and may be grounds for removal of the guilty person from office. Charges for dereliction of the duties here imposed shall be tried by the circuit court of the jurisdiction served by the officer charged with the violation.

INTRODUCED

HB834