

## Department of Planning and Budget 2013 Fiscal Impact Statement

**1. Bill Number:** HB1658-H1

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

**2. Patron:** Gilbert

**3. Committee:** Courts of Justice

**4. Title:** Clerk's fees; electronic records; certification of records; etc.

**5. Summary:** Revises various powers and duties of circuit court clerks for certification of records, assessment of fees, etc., such as (i) providing that the use of the term "copy teste," "true copy," or "certified copy" is prima facie evidence that a document is a certified copy of the official record kept in the clerk's office; (ii) providing that a judgment for certain assessments or fees to be paid to the clerk of court shall be recorded as a judgment in favor of the Commonwealth if such assessments or fees are not fully paid on the date of sentencing; (iii) requiring the clerk to be reimbursed by the Criminal Fund for the fees associated with providing copies of records to court appointed counsel in a criminal case, (iv) allowing the clerk to charge up to \$10 for any service rendered by the clerk that is not part of a court proceeding and for which no specific fee is provided by law; (v) defining "operational expenses," which are funded by certain clerk's fees, to include various technology maintenance and enhancements; (vi) clarifying that a clerk shall forward an abstract of certain convictions to the Department of Motor Vehicles within 18 days after such conviction or, in the case of civil judgments, within 30 days after the judgment has become final (vii) allowing the clerk to maintain records in adoption cases in electronic format; and (viii) repealing the requirement that a clerk verify the accuracy of a record made by him.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary; See Item 8 below.

**8. Fiscal Implications:** According to the Compensation Board, the proposal is not expected to have a fiscal impact since the additional fees collected would be deposited into the clerks' local non-reverting fund and used on operational expenses.

According to the Virginia Supreme Court, the proposal is not expected to have a fiscal impact since these expenses are already being paid out of the Criminal Fund.

**9. Specific Agency or Political Subdivisions Affected:** Clerks of the court, Supreme Court.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.

**Date:** February 6, 2013

**Document:** G:\2013\EJGC\FIS\Posted\HB1658H1.doc