

§ 3-6.05 DEPOSIT OF FINES AND FEES

A. The Auditor of Public Accounts shall annually calculate the amount of total fines and fees collected by the District Courts. The Auditor of Public Accounts will determine those localities in which total local fines and fee collections exceed 50 percent of the total collections. Using the Auditor of Public Accounts' calculation for fiscal year 2011, the State Comptroller shall deduct half of the amount in excess of 50 percent from any current payment of local fines and fees before remitting to the localities their remaining collections. When the State Comptroller has recovered in total, the half of the amount exceeding 50 percent, he shall pay all local collections monthly directly to the locality's treasury. The State Comptroller shall promptly and without delay transmit any and all non-withheld local fees and fines to the locality's treasury not later than sixty (60) days after these fines and fees were deposited and recorded in the state treasury by the District Courts. Furthermore, the State Comptroller and the Executive Secretary of the Supreme Court shall work with the District Courts and the localities to develop a process to provide the localities a complete accounting of when these fees were collected. The State Comptroller shall deposit the withheld funds in the Literary Fund, as they become available.

B. The Auditor of Public Accounts shall provide the State Comptroller the annual calculation by May 1 of each year for future withholdings. The State Comptroller will act as a fiscal agent, holding the amounts of local fine and fee collections in an agency fund.

C.1. The Office of the State Inspector General shall contract for an independent evaluation of the type of court fines and fees currently collected by Virginia state and local governments and the effect of the implementation of the provisions of paragraphs A and B of this section on such collections. This evaluation shall also determine among other things: 1) the magnitude of the court fines and fees collected by each source; 2) the distribution or uses of such fines and fees by each type; 3) factors influencing the determination of the application of specific court fines and fees and the ability within the current system to substitute or switch one such court fine or fee for another; 4) the impact of the flexibility in application of such court fines or fees, as determined previously in number 3, on deposits to the Literacy Fund over time; and 5) recommendations for improving the present system to better account for the individual types of court fines and fees collected and to align such collections with the assigned or statutory responsibilities of Virginia state and local governments, taking into account the constitutional requirements governing the deposit of court fines into the Literary Fund for public school purposes.

2. All agencies within the Legislative, Judicial, and Executive Departments, as well as local government offices, shall assist the Office of the State Inspector General and its contractor in providing information and data necessary to complete this evaluation. The Office of the Inspector General shall provide an interim report on the findings of this evaluation to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2012. There is hereby transferred from the general fund an amount not to exceed \$200,000 in the first year to a special fund to be established in the Office of the State Inspector General to conduct this independent evaluation.