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HOUSE BILL NO. 1799**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee for Courts of Justice
on January 25, 2019)

(Patron Prior to Substitute—Delegate Heretick)

A BILL to amend and reenact § 19.2-353.5 of the Code of Virginia, relating to interest on fines and costs in criminal cases and traffic infractions.

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-353.5 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-353.5. Interest on fines and costs.

No interest shall accrue on any fine or costs imposed in a criminal case or in a case involving a traffic infraction for a period of 40 days from the date of the final judgment imposing such fine or costs or during any period the defendant is incarcerated. A person who owes fines and costs on which interest has accrued ~~during a period of incarceration~~ may move any court in which he owes fines and costs to waive the *unpaid* interest that accrued on such fines and costs ~~during such period of incarceration~~. Upon *due to indigency or for good cause shown*, a person who owes fines and costs on which interest has accrued *during a period of incarceration* shall have such interest waived upon certification of the period of incarceration by the superintendent, *sheriff*, warden, ~~or~~ other official in charge of a correctional facility, *or their designee*, on a form developed by the Office of the Executive Secretary of the Supreme Court; ~~such interest shall be waived~~. In no event shall interest accrue in such cases during any period in which a fine, costs, or both a fine and costs are being paid in deferred or installment payments pursuant to an order of the court. Whenever interest on any unpaid fine or costs accrues, it shall accrue at the judgment rate of interest set forth in § 6.2-302.