

LD3539112

**HOUSE BILL NO. 1340**

Offered January 25, 1994

*A BILL to amend and reenact § 14.1-112, as it is currently effective and as it may become effective, and § 14.1-123 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 14.1-133.4, relating to creation of a fund to support victim and witness services.*

Patrons—Copeland, Almand and Jones, J.C.

Referred to Committee on Appropriations

**Be it enacted by the General Assembly of Virginia:**

**1. That § 14.1-112, as it is currently effective and as it may become effective, and § 14.1-123 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 14.1-133.4 as follows:**

§ 14.1-112. (For effective date - See notes) Clerks of circuit courts; generally.

A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

(1) When a writing is admitted to record under Chapter 2 (§ 17-33 et seq.) of Title 17, or Chapter 5 (§ 55-80 et seq.) or Chapter 6 (§ 55-106 et seq.) of Title 55, for everything relating to it, except the recording in the proper book; for receiving proof of acknowledgments, entering orders, endorsing clerk's certificate, and when required, embracing it in a list for the commissioner of the revenue, one dollar.

(2) For recording and indexing in the proper book any writing and all matters therewith, except plats, or for recording and indexing anything not otherwise provided for, thirteen dollars, including the fee of one dollar set forth in subdivision (1) for up to four pages and one dollar for each page over four pages. In addition, a fee of one dollar shall be charged for indexing any document for each name indexed exceeding a total of ten in number. One dollar of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by the State Library and Archives in cooperation with the circuit court clerks.

(3) For recording a plat, or copy thereof which is to be recorded in the plat book, ten dollars.

(4) For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, twenty dollars for estates not exceeding \$50,000, twenty-five dollars for estates not exceeding \$100,000 and thirty dollars for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

(5) For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, ten dollars.

(6) For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, ten dollars.

(7) For making out any bond, other than those under § 14.1-90 or subdivision (5) of this section, administering all necessary oaths and writing proper affidavits, three dollars.

(8) For issuing any execution, and recording the return thereof, \$1.50 and for all services rendered by the clerk in any garnishment or attachment proceeding the clerk's fee shall be fifteen dollars in cases not exceeding \$500 and twenty-five dollars in all other cases.

(9) [Repealed.]

(10) For making out a copy of any paper or record to go out of the office, which is not otherwise specifically provided for, for each page, a fee to be established in the discretion of the clerk not to exceed one dollar for the first two pages and fifty cents for each page thereafter.

(11) For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, two dollars, and for attaching the certificate of the judge, if the clerk is requested to do so, fifty cents.

(12) through (14) [Repealed.]

(15) Upon conviction in felony cases the clerk shall charge the defendant ~~thirty-two~~ *thirty-four* dollars in each case.

(16) Upon conviction in misdemeanor cases, the clerk shall charge the defendant ~~twenty-two~~ *twenty-four* dollars in each case.

(16a) Upon the defendant's being required to successfully complete traffic school or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

(17) In all actions at law the clerk's fee chargeable to the plaintiff shall be fifteen dollars in cases not

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60 exceeding \$500, twenty-five dollars in cases not exceeding \$5,000, thirty-five dollars in cases not  
61 exceeding \$50,000, forty dollars in cases not exceeding \$100,000, fifty dollars in cases not exceeding  
62 \$500,000 and \$100 in cases exceeding \$500,000; and in condemnation cases, a fee of twenty-five  
63 dollars, to be paid by the plaintiff at the time of instituting the action, this fee to be in lieu of any other  
64 fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action.  
65 However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim. This  
66 subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

67 (18) [Repealed.]

68 (19) For qualifying notaries public, including the making out of the bond and any copies thereof,  
69 administering the necessary oaths, and entering the order, ten dollars.

70 (20) For each habeas corpus proceeding, the clerk shall receive ten dollars for all services required  
71 thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

72 (21) For the registration in the proper book of any professional licenses required to be registered in  
73 the clerk's office, five dollars.

74 (22) For docketing and indexing a judgment from any other court of this Commonwealth, a fee of  
75 five dollars; for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of twenty  
76 dollars; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of five  
77 dollars.

78 (23) For all services rendered by the clerk in any court proceeding for which no specific fee is  
79 provided by law, ten dollars, to be paid by the party filing said papers at the time of filing; however,  
80 this section shall not be applicable in a divorce cause prior to and including the entry of a decree of  
81 divorce from the bond of matrimony.

82 (24) For receiving and processing an application for a tax deed, ten dollars.

83 (25) For all services rendered by the clerk in any condemnation proceeding instituted by the  
84 Commonwealth, twenty-five dollars.

85 (26) For docketing and indexing a judgment in the new name of a judgment debtor pursuant to the  
86 provisions of § 8.01-451, fifty cents.

87 (27) For noting and filing the assignment of a judgment pursuant to the provisions of § 8.01-452,  
88 five dollars.

89 (28) For making the endorsements on a forthcoming bond and recording the matters relating to such  
90 bond pursuant to the provisions of § 8.01-529, one dollar.

91 (29) For all services rendered by the clerk in any proceeding pursuant to § 57-8 or § 57-15, ten  
92 dollars.

93 (30) For preparation and issuance of a subpoena duces tecum or a summons for interrogation by an  
94 execution creditor, five dollars.

95 (31) For all services rendered by the clerk in matters under § 8.01-217 relating to change of name,  
96 twenty dollars.

97 (32) For providing court records or documents on microfilm, per frame, ten cents.

98 The provisions of this section shall control the fees charged by clerks of circuit courts for the  
99 services above described.

100 § 14.1-112. (Delayed effective date - See notes) Clerks of circuit courts; generally.

101 A clerk of a circuit court shall, for services performed by virtue of his office, charge the following  
102 fees:

103 (1) When a writing is admitted to record under Chapter 2 (§ 17-33 et seq.) of Title 17, or Chapter 5  
104 (§ 55-80 et seq.) or Chapter 6 (§ 55-106 et seq.) of Title 55, for everything relating to it, except the  
105 recording in the proper book; for receiving proof of acknowledgments, entering orders, endorsing clerk's  
106 certificate, and when required, embracing it in a list for the commissioner of the revenue, one dollar.

107 (2) For recording and indexing in the proper book any writing and all matters therewith, except plats,  
108 or for recording and indexing anything not otherwise provided for, thirteen dollars, including the fee of  
109 one dollar set forth in subdivision (1) for up to four pages and one dollar for each page over four pages.  
110 In addition, a fee of one dollar shall be charged for indexing any document for each name indexed  
111 exceeding a total of ten in number. One dollar of the fee collected for recording and indexing shall be  
112 designated for use in preserving the permanent records of the circuit courts. The sum collected for this  
113 purpose shall be administered by the State Library and Archives in cooperation with the circuit court  
114 clerks.

115 (3) For recording a plat, or copy thereof which is to be recorded in the plat book, ten dollars.

116 (4) For appointing and qualifying any personal representative, committee, trustee, guardian, or other  
117 fiduciary, in addition to any fees for recording allowed by this section, twenty dollars for estates not  
118 exceeding \$50,000, twenty-five dollars for estates not exceeding \$100,000 and thirty dollars for estates  
119 exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

120 (5) For entering and granting and for issuing any license, other than a marriage license or a hunting  
121 and fishing license, and administering an oath when necessary, ten dollars.

(6) For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, ten dollars.

(7) For making out any bond, other than those under § 14.1-90 or subdivision (5) of this section, administering all necessary oaths and writing proper affidavits, three dollars.

(8) For issuing any execution, and recording the return thereof, \$1.50 and for all services rendered by the clerk in any garnishment or attachment proceeding the clerk's fee shall be fifteen dollars in cases not exceeding \$500 and twenty-five dollars in all other cases.

(9) [Repealed.]

(10) For making out a copy of any paper or record to go out of the office, which is not otherwise specifically provided for, for each page, a fee to be established in the discretion of the clerk not to exceed one dollar for the first two pages and fifty cents for each page thereafter.

(11) For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, two dollars, and for attaching the certificate of the judge, if the clerk is requested to do so, fifty cents.

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(16) Upon conviction in misdemeanor cases, the clerk shall charge the defendant ~~twenty-two~~ *twenty-four* dollars in each case.

(16a) Upon the defendant's being required to successfully complete traffic school or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

(17) In all actions at law the clerk's fee chargeable to the plaintiff shall be fifteen dollars in cases not exceeding \$500, twenty-five dollars in cases not exceeding \$5,000, thirty-five dollars in cases not exceeding \$50,000, forty dollars in cases not exceeding \$100,000, fifty dollars in cases not exceeding \$500,000 and \$100 in cases exceeding \$500,000; and in condemnation cases, a fee of twenty-five dollars, to be paid by the plaintiff at the time of instituting the action, this fee to be in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

(18) [Repealed.]

(19) For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, ten dollars.

(20) For each habeas corpus proceeding, the clerk shall receive ten dollars for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

(21) For the registration in the proper book of any professional licenses required to be registered in the clerk's office, five dollars.

(22) For docketing and indexing a judgment from any other court of this Commonwealth, a fee of five dollars; for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of twenty dollars; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of five dollars.

(23) For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, ten dollars, to be paid by the party filing said papers at the time of filing.

(24) For receiving and processing an application for a tax deed, ten dollars.

(25) For all services rendered by the clerk in any condemnation proceeding instituted by the Commonwealth, twenty-five dollars.

(26) For docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, fifty cents.

(27) For noting and filing the assignment of a judgment pursuant to the provisions of § 8.01-452, five dollars.

(28) For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § 8.01-529, one dollar.

(29) For all services rendered by the clerk in any proceeding pursuant to § 57-8 or § 57-15, ten dollars.

(30) For preparation and issuance of a subpoena duces tecum or a summons for interrogation by an execution creditor, five dollars.

(31) For all services rendered by the clerk in matters filed in circuit court under § 8.01-217 relating to change of name, twenty dollars.

(32) For providing court records or documents on microfilm, per frame, ten cents.

The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

§ 14.1-123. Fees for services performed by judges or clerks of district courts in criminal or traffic cases.

Fees for services performed by the judges or clerks of district courts in criminal or traffic actions and proceedings shall be as follows and such fees shall be included in the taxed costs:

1. For processing a case of a misdemeanor or a traffic violation, including a case in which there has been written appearance and waiver of court hearing, and including swearing witnesses and taxing costs, ~~twenty-four~~ *twenty-six* dollars.

Assessment of this fee shall be based on:

(i) An appearance for court hearing in which there has been a finding of guilty;

(ii) A written appearance with waiver of court hearing and entry of guilty plea;

(iii) For a defendant failing to appear, a trial in his or her absence resulting in a finding of guilty. In addition to any other fee prescribed by this subsection, a fee of five dollars shall be taxed as costs whenever a defendant, charged with a traffic infraction, fails to appear, unless, after a hearing requested by such person, good cause is shown for such failure to appear. No defendant with multiple charges arising from a single incident shall be taxed the fee provided in this subsection more than once for a single appearance or trial in absence related to that incident. A defendant with charges which arise from separate incidents shall be taxed a fee for each incident even if the charges from the multiple incidents are disposed of in a single appearance or trial in absence; or

(iv) An appearance for court hearing in which the court requires that the defendant successfully complete traffic school or a driver improvement clinic, in lieu of a finding of guilty.

2. For processing any check tendered in a case of traffic violation that has been returned unpaid by any banking institution, such fee as is determined pursuant to § 19.2-353.3.

§ 14.1-133.4. *Virginia Crime Victim-Witness Fund.*

*There is hereby established the Virginia Crime Victim-Witness Fund as a special non-reverting fund to be administered by the Department of Criminal Justice Services to support victim and witness services that meet the minimum standards prescribed for such programs under § 19.2-11. This fund shall be distributed according to grant procedures adopted pursuant to § 9-173.3. This fund shall be established on the books of the Comptroller and any funds remaining in such fund at the end of the biennium shall not revert to the general fund, but shall remain in the fund. Interest earned on the fund shall be credited to the fund.*

**2. That the additional fees collected as a result of the amendments contained in this act shall be deposited into the state treasury to the credit of the Virginia Crime Victim-Witness Fund and administered in accordance with the provisions of § 14.1-133.4.**

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