

1995 SESSION

HOUSE SUBSTITUTE

LD0289358

HOUSE BILL NO. 1833

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 2, 1995)

(Patron Prior to Substitute—Delegate Mims)

A BILL to amend and reenact §§ 19.2-340 and 19.2-341 of the Code of Virginia, relating to recovery of fines for violation of ordinances.

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-340 and 19.2-341 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-340. Fines; how recovered; in what name.

When any statute *or ordinance* prescribes a fine, unless it ~~be~~ *is* otherwise expressly provided or would be inconsistent with the manifest intention of the General Assembly, it shall be *paid* to the Commonwealth *if prescribed by a statute and paid to the locality if prescribed by an ordinance* and recoverable by presentment, indictment, information, *summons* or warrant. Fines imposed and costs taxed in a criminal *or traffic* prosecution for committing an offense ~~against the Commonwealth~~ shall constitute a judgment ~~in favor of the Commonwealth~~, and, if not paid at the time they are imposed, execution may issue thereon in the same manner as upon any other monetary judgment.

§ 19.2-341. Penalties other than fines; how recovered; in what name; limitation of actions.

When any statute *or ordinance* prescribes a monetary penalty other than a fine, unless it ~~be~~ *is* otherwise expressly provided or would be inconsistent with the manifest intention of the General Assembly, it shall be *paid* to the Commonwealth *if prescribed by a statute and paid to the locality if prescribed by an ordinance* and recoverable by warrant, presentment, indictment, *summons*, or information. Penalties imposed and costs taxed in any such proceeding shall constitute a judgment ~~in favor of the Commonwealth~~, and, if not paid at the time they are imposed, execution may issue thereon in the same manner as upon any other monetary judgment. No such proceeding of any nature, however, shall be brought or had for the recovery of such a penalty or costs due the Commonwealth or any political subdivision thereof, unless within twenty years from the date of the offense or delinquency giving rise to imposition of such penalty if imposed by a circuit court, or within ten years if imposed by a general district court.

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