

LD1183358

HOUSE BILL NO. 541

Offered January 25, 1994

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.*

Patrons—Mims, Davies, Fisher, Forbes, Harris, Ingram, Katzen, Keating, McClure, McDonnell, O'Brien, Plum, Rollison and Scott; Senators: Calhoun, Waddell and Woods

Referred to Committee for Courts of Justice

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 otherwise expressly provided or would be inconsistent with the manifest intention of the General Assembly, it shall be ~~to the Commonwealth~~ 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 ~~to the Commonwealth~~ 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.

INTRODUCED

HB541