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HOUSE BILL NO. 542

Offered January 25, 1994

A BILL to amend and reenact § 19.2-349 of the Code of Virginia, relating to unsatisfied fines.

Patrons—Mims, Davies, Fisher, Harris, Ingram, Katzen and Purkey; Senators: Calhoun and Waddell

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 19.2-349 of the Code of Virginia is amended and reenacted as follows:**

§ 19.2-349. Clerks to report unsatisfied fines, etc.; duty of attorneys for Commonwealth; assistance by the office of the Attorney General.

The clerk of the circuit court and district court of every county and city shall submit to the judge of his court and to the attorney for the Commonwealth of his county or city a report of all fines, costs, forfeitures and penalties, including court-ordered restitution of a sum certain, imposed in his court for a violation of state law or a local ordinance which remain unsatisfied as of the last day of the quarter preceding the quarter in which such report is made. The quarterly report shall include the social security number or driver's license number of the defendant, if known. It shall be the duty of the attorney for the Commonwealth to make inquiries into the reasons why such fines, costs, forfeitures, penalties and restitution remain unsatisfied. If it appears from such inquiries that any such amounts may be satisfied, the attorney for the Commonwealth forthwith shall cause proper proceedings to be instituted for the collection and satisfaction thereof. If the attorney for the Commonwealth is of the opinion that it would be impractical or uneconomical for such service to be rendered by the office of the attorney for the Commonwealth, he may contract with attorneys or private collection agencies, upon such terms and conditions as may be established by guidelines promulgated by the office of the Attorney General and the Executive Secretary of the Supreme Court, or request the office of the Attorney General or the office of the Executive Secretary to assist in the collection of unpaid fines, costs, forfeitures and penalties. The Attorney General and the Executive Secretary of the Supreme Court shall render such assistance, in the case of any judgment which remains unsatisfied for more than three months, and in any other circumstance they may provide such assistance in any manner they deem appropriate. The *reasonable* fees of any private attorneys or collection agencies shall be *added to the sum due and* paid on a contingency fee basis out of the proceeds of the amounts collected. However, in no event shall such attorney or collection agency receive a fee for amounts collected by the Department of Taxation under the Setoff Debt Collection Act (§ 58.1-520 et seq.).

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