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**HOUSE BILL NO. 788**

Offered January 22, 1996

*A BILL to amend and reenact § 14.1-123 of the Code of Virginia, relating to district court fees.*

Patrons—Reynolds and Almand

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:1. That § 14.1-123 of the Code of Virginia is amended and reenacted as follows:**

§ 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-seven 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~~ *ten* 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.

INTRODUCED

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