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HOUSE BILL NO. 2667

Offered January 21, 1999

A BILL to amend and reenact §§ 16.1-69.48:1 and 17.1-275 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 17.1-279.1, relating to the establishment of the Crime Stoppers Trust Fund; fees assessed on criminal cases.

Patrons—O'Brien; Senator: Barry

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.48:1 and 17.1-275 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 17.1-279.1 as follows:

§ 16.1-69.48:1. Fees for services performed by judges or clerks of district courts in criminal or traffic cases.

A. 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-eight dollars, and one dollar of the amount collected hereunder shall be forwarded to the State Treasurer for deposit in the Regional Criminal Justice Academy Training Fund as provided in § 9-178.2, to be used for financial support of the regional criminal justice training academies.

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; 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.

In addition to any other fee prescribed by this subsection, a fee of ten dollars shall be taxed as costs whenever a defendant 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.

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.

B. Three dollars of the amount collected ~~hereunder~~ under subsection A shall be collected for the benefit of and paid to the Virginia Crime Victim-Witness Fund as provided in § 19.2-11.3 and one dollar of the amount collected hereunder shall be forwarded to the State Treasurer for deposit in the Regional Criminal Justice Academy Training Fund as provided in § 9-178.2, to be used for financial support of the regional criminal justice training academies, irrespective of whether the defendant's case was processed as a violation of the Code of Virginia or as a violation of a local ordinance.

C. In addition to any other fee prescribed by this section, a fee of twenty dollars shall be taxed as costs in each misdemeanor case. Amounts collected under this subsection shall be forwarded to the State Treasurer for deposit in the Crime Stoppers Trust Fund established under § 17.1-279.1.

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; or (iii) for a defendant failing to appear, a trial in his or her absence resulting in a finding of guilty.

§ 17.1-275. Fees collected by clerks of circuit courts; generally.

A. 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 (§ 17.1-200 et seq.) of this title, 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, or for recording and indexing anything not otherwise provided for, thirteen dollars, including the fee of one dollar set forth in subdivision A 1 for up to four pages and one dollar for each page over four pages, and for recording plats too large to be recorded in the deed books, and for each sheet thereof, thirteen

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60 dollars. This fee shall be in addition to the fee for recording a deed or other instrument recorded in
61 conjunction with such plat sheet or sheets including the fee of one dollar set forth in subdivision A 1.
62 Only a single fee as authorized by this subdivision shall be charged for recording a certificate of
63 satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. In
64 addition, a fee of one dollar shall be charged for indexing any document for each name indexed
65 exceeding a total of ten in number. One dollar of the fee collected for recording and indexing shall be
66 designated for use in preserving the permanent records of the circuit courts. The sum collected for this
67 purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

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

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

74 5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths
75 or affidavits, indexing and recording, ten dollars.

76 6. For making out any bond, other than those under § 17.1-267 or subdivision A 4 of this section,
77 administering all necessary oaths and writing proper affidavits, three dollars.

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

81 8. For making out a copy of any paper or record to go out of the office, which is not otherwise
82 specifically provided for, a fee of fifty cents for each page. However, there shall be no charge to the
83 recipient of a final order or decree to send an attested copy to such party.

84 9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying
85 it, the clerk shall charge two dollars and for attaching the certificate of the judge, if the clerk is
86 requested to do so, the clerk shall charge an additional fifty cents.

87 10. a. Upon conviction in felony cases or when a felony defendant's suspension of sentence and
88 probation is revoked pursuant to § 19.2-306, other than a revocation for failure to pay prior court costs,
89 the clerk shall charge the defendant thirty-six dollars in each case, one dollar of which shall be
90 forwarded to the State Treasurer for deposit in the Regional Criminal Justice Academy Training Fund as
91 provided in § 9-178.2, to be used for financial support of the regional criminal justice training
92 academies.

93 b. In addition, in each case in which a person is convicted of a violation of any provision of Article
94 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, the clerk shall assess (i) a fee of \$100 for each felony
95 conviction and each felony disposition under § 18.2-251 and (ii) a fee of \$100 per case for any forensic
96 laboratory analysis performed for use in prosecution of such violation. Such fees shall be taxed as costs
97 to the defendant and shall be paid into the general fund of the state treasury.

98 c. In addition, in all felony cases, including the revocation of suspension of sentence and probation
99 held pursuant to § 19.2-306, other than a revocation for failure to pay prior court costs, the clerk shall
100 collect and tax as costs (i) the expense of reporting or recording the trial or hearing in an amount equal
101 to the per diem charges of the reporter or reasonable charge attributable to the cost of operating the
102 mechanical or electronic devices in accordance with § 19.2-165, (ii) a fee of two dollars and fifty cents
103 per charge, (iii) the fees of the attorney for the Commonwealth as provided for in § 15.2-1627.3, (iv) the
104 compensation of court-appointed counsel as provided in § 19.2-163, (v) the fees of the public defenders
105 as provided for in § 19.2-163.2, (vi) the additional costs per charge imposed under § 19.2-368.18 to be
106 deposited into the Criminal Injuries Compensation Fund, (vii) *a fee of twenty dollars to be deposited*
107 *into the Crime Stoppers Trust Fund created by § 17.1-279.1, and* ~~(vii)~~ (viii) in any court of record in
108 which electronic devices are used for the purpose of recording testimony, a sum not to exceed twenty
109 dollars for each day or part of a day of the trial to be paid by the clerk into a special fund to be used
110 for the purpose of repairing, replacing or supplementing such electronic devices, or if a sufficient
111 amount is available, to pay the purchase price of such devices in whole or in part. For the purpose of
112 this subdivision, repairing shall include maintenance or service contracts.

113 d. In addition, a fee of twelve dollars shall be charged to a defendant found guilty in a criminal case
114 in the circuit court as costs for (i) serving a warrant or summons other than on a witness when no arrest
115 is made or (ii) making an arrest on a felony or misdemeanor charge, when such services are provided by
116 the sheriff.

117 11. a. Upon conviction in misdemeanor cases, the clerk shall charge the defendant twenty-six dollars
118 in each case. Sums shall be collected for and paid to the benefit of the Virginia Crime Victim-Witness
119 Fund as provided for in § 19.2-11.3 and one dollar of the amount collected hereunder shall be forwarded
120 to the State Treasurer for deposit in the Regional Criminal Justice Academy Training Fund as provided
121 in § 9-178.2, to be used for financial support of the regional criminal justice training academies,

irrespective of whether the defendant was convicted of a misdemeanor chargeable under the Code of Virginia or pursuant to a local ordinance.

b. In addition, in each case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, the clerk shall assess (i) a fee of fifty dollars for each misdemeanor conviction and (ii) a fee of \$100 per case for any forensic laboratory analysis performed for use in prosecution of such violation. Such fees shall be taxed as costs to the defendant and shall be paid into the general fund of the state treasury.

c. In addition, for each misdemeanor case the clerk shall collect and tax as costs (i) the fees of the attorneys for the Commonwealth as provided for in § 15.2-1627.3, (ii) the compensation of court-appointed counsel as provided in § 19.2-163, (iii) the fees of the public defenders as provided for in § 19.2-163.2, (iv) the additional costs imposed under § 19.2-368.18 to be deposited into the Criminal Injuries Compensation Fund, (v) *a fee of twenty dollars to be deposited into the Crime Stoppers Trust Fund created by § 17.1-279.1*, and ~~(v)~~ (vi) in any court in which electronic devices are used for the purpose of recording testimony, a sum not to exceed five dollars for each day or part of a day of the trial to be paid by the clerk into a special fund to be used for the purpose of repairing, replacing or supplementing such electronic devices, or if a sufficient amount is available, to pay the purchase price of such devices in whole or in part. For the purpose of this subdivision, repairing shall include maintenance or service contracts.

d. In addition, a fee of twelve dollars shall be charged to a defendant found guilty in a criminal case in the circuit court as costs for (i) serving a warrant or summons other than on a witness when no arrest is made or (ii) making an arrest on a felony or misdemeanor charge, when such services are provided by the sheriff.

12. 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.

13. In all actions at law the clerk's fee chargeable to the plaintiff shall be fifty dollars in cases not exceeding \$50,000, \$100 in cases not exceeding \$100,000, and \$150 in cases exceeding \$100,000; 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. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

14. In addition to the fees chargeable for actions at law, for the costs of proceedings for judgments by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or certified mail, (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment, (iii) for the sheriff for serving each copy of the order entering judgment, twelve dollars, and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A 17.

15. 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.

16. 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.

17. For docketing and indexing a judgment from any other court of this Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of five dollars; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of five dollars; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of twenty dollars.

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

19. For receiving and processing an application for a tax deed, ten dollars.

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

21. 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.

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

23. For preparation and issuance of a subpoena duces tecum or a summons for interrogation by an

183 execution creditor, five dollars.

184 24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name,
185 twenty dollars; however, this subdivision shall not be applicable in cases where the change of name is
186 incident to a divorce.

187 25. For providing court records or documents on microfilm, per frame, ten cents.

188 26. In all chancery causes, the clerk's fee chargeable to the plaintiff shall be fifty dollars to be paid
189 by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified
190 copy of the final decree. However, no fee shall be charged for the filing of a cross-bill in any pending
191 suit. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree
192 of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of
193 both such decrees.

194 27. For the acceptance of credit cards in lieu of money to collect and secure all fees, fines,
195 restitution, forfeiture, penalties and costs in accordance with § 19.2-353.3, the clerk shall collect a
196 service charge of four percent of the amount paid.

197 28. For the return of any check unpaid by the financial institution on which it was drawn or notice is
198 received from the credit card issuer that payment will not be made for any reason, the clerk shall
199 collect, if allowed by the court, a fee of twenty dollars or ten percent of the amount to be paid,
200 whichever is greater, in accordance with § 19.2-353.3.

201 29. For all services rendered in an adoption proceeding, a fee of twenty dollars, in addition to the fee
202 imposed under § 63.1-236.1, to be paid by the petitioner or petitioners.

203 30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the
204 same amount as the fee for the original license.

205 31. For the filing of any petition as provided in §§ 33.1-124, 33.1-125 and 33.1-129, a fee of five
206 dollars to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided
207 for in § 33.1-122, as well as for any order of the court relating thereto, the clerk shall charge the same
208 fee as for recording a deed as provided for in this section, to be paid by the party upon whose request
209 such certificate is recorded or order is entered.

210 32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme
211 Court, including all papers necessary to be copied and other services rendered, a fee of twenty dollars.

212 33. For issuance of hunting and trapping permits in accordance with § 10.1-1154, twenty-five cents.

213 34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et seq.), the fees
214 shall be as prescribed in that Act.

215 35. For filing the appointment of a resident agent for a nonresident property owner in accordance
216 with § 55-218.1, a fee of one dollar.

217 36. For filing power of attorney for service of process, or resignation or revocation thereof, in
218 accordance with § 59.1-71, a fee of twenty-five cents.

219 37. For recordation of certificate and registration of names of nonresident owners in accordance with
220 § 59.1-74, a fee of ten dollars.

221 38. For maintaining the information required under the Overhead High Voltage Line Safety Act
222 (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

223 39. For lodging, indexing and preserving a will in accordance with § 64.1-56, a fee of two dollars.

224 40. For filing a financing statement in accordance with § 8.9-403, the fee shall be as prescribed
225 under that section.

226 41. For filing a termination statement in accordance with § 8.9-404, the fee shall be as prescribed
227 under that section.

228 42. For filing assignment of security interest in accordance with § 8.9-405, the fee shall be as
229 prescribed under that section.

230 43. For filing a petition as provided in §§ 37.1-134.7 and 37.1-134.17, the fee shall be ten dollars.

231 B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, 10, 11, 13, 16,
232 18 if applicable, 20, 22, 24, 26, 29, and 31 to be designated for courthouse construction, renovation or
233 maintenance.

234 C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, 13, 16, 18 if
235 applicable, 20, 22, 24, 26, 29 and 31 to be designated for services provided for the poor, without
236 charge, by a nonprofit legal aid program.

237 D. In accordance with § 9-178.1, the clerk shall collect fees under subdivisions A 10 and 11 to be
238 designated for the Intensified Drug Enforcement Jurisdiction Fund.

239 E. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, 13, 16, 18 if
240 applicable, 20, 22, 24, 26, 29 and 31 to be designated for public law libraries.

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

243 § 17.1-279.1. *Crime Stoppers Trust Fund.*

244 A. *The clerk of each circuit court shall assess a twenty-dollar fee in each criminal case. Such fee*

245 *shall be deposited by the State Treasurer into a trust fund known as the "Crime Stoppers Trust Fund."*
246 *The State Treasurer shall maintain a record of such deposits.*
247 *B. Funds deposited into the Trust Fund shall be disbursed as provided in this section. Any local*
248 *government may apply to the Department of Criminal Justice Services for a grant from the funds*
249 *collected to be used for the support of a local crime fighting program. The Department shall adopt*
250 *regulations to implement the provisions of this section which shall include criteria for local governments*
251 *to apply for funding from the Trust Fund.*

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