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## HOUSE BILL NO. 1377

Offered January 22, 2004

*A BILL to amend and reenact §§ 17.1-281 and 42.1-70 of the Code of Virginia, relating to assessment for law library; City of Roanoke.*

Patrons—Fralin and Ware, O.

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 17.1-281 and 42.1-70 of the Code of Virginia are amended and reenacted as follows:**

§ 17.1-281. Assessment for courthouse construction, renovation or maintenance.

Any county or city, through its governing body, may assess a sum not in excess of ~~two dollars~~ \$2 as part of the costs in (i) each civil action filed in the district or circuit courts located within its boundaries and (ii) each criminal or traffic case in its district or circuit court in which the defendant is charged with a violation of any statute or ordinance. The total assessments authorized by any county or city in a civil action pursuant to this section and § 42.1-70 shall not exceed ~~four dollars~~ \$4, *except as provided in subsection D of § 42.1-70*. If a town provides court facilities for a county, the governing body of the county shall return to the town a portion of the assessments collected based on the number of civil, criminal and traffic cases originating and heard in the town.

The imposition of such assessment shall be by ordinance of the governing body which may provide for different sums in circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the treasurer of the appropriate county or city and held by such treasurer subject to disbursements by the governing body for the construction, renovation, or maintenance of courthouse or jail and court-related facilities and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance.

The assessment provided for herein shall be in addition to any other fees prescribed by law. The assessment shall be required in each felony, misdemeanor, or traffic infraction case, regardless of the existence of a local ordinance requiring its payment.

§ 42.1-70. Assessment for law library as part of costs in civil actions; contributions from bar associations.

~~Any~~ *A. Except as provided in subsection D, any county, city or town may, through its governing body, assess, as part of the costs incident to each civil action filed in the courts located within its boundaries, a sum not in excess of four dollars \$4.*

*B. The imposition of such assessment shall be by ordinance of the governing body, which ordinance may provide for different sums in circuit courts and district courts, and the assessment shall be collected by the clerk of the court in which the action is filed, and remitted to the treasurer of such county, city or town and held by such treasurer subject to disbursements by the governing body for the acquisition of law books, law periodicals and computer legal research services and equipment for the establishment, use and maintenance of a law library which shall be open for the use of the public at hours convenient to the public. In addition to the acquisition of law books, law periodicals and computer legal research services and equipment, the disbursements may include compensation to be paid to librarians and other necessary staff for the maintenance of such library and acquisition of suitable quarters for such library. The compensation of such librarians and the necessary staff and the cost of suitable quarters for such library shall be fixed by the governing body and paid out of the fund created by the imposition of such assessment of cost. Such libraries, pursuant to rules of the Supreme Court and at costs to such libraries, may have access to computer research services of the State Law Library. Disbursements may be made to purchase or lease computer terminals for the purpose of retaining such research services. The assessment provided for herein shall be in addition to all other costs prescribed by law, but shall not apply to any action in which the Commonwealth or any political subdivision thereof or the federal government is a party and in which the costs are assessed against the Commonwealth, political subdivision thereof, or federal government. The governing body is authorized to accept contributions to the fund from any bar association.*

*C. Any such library established in the County of Wythe shall be located only in a town which is the seat of the county government.*

*D. Notwithstanding the limitation contained in subsection A, the City of Roanoke may assess a fee of \$6 as part of the costs incident to each civil action filed in the courts located within its boundaries. The additional moneys generated by the increase shall be used to support the operation of the Roanoke Law Library for additional days of the week.*

INTRODUCED

HB1377