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HOUSE BILL NO. 2150

Offered January 12, 2011

Prefiled January 12, 2011

A BILL to amend and reenact §§ 17.1-275.1 through 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-275.9, and 17.1-275.12 of the Code of Virginia, relating to fixed felony and misdemeanor fees.

Patrons—Cline and Landes; Senator: Reynolds

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 17.1-275.1 through 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-275.9, and 17.1-275.12 of the Code of Virginia are amended and reenacted as follows:

§ 17.1-275.1. Fixed felony fee.

Upon conviction of any and each felony charge or upon a deferred disposition of proceedings in circuit court in the case of any and each felony disposition deferred pursuant to the terms and conditions of § 16.1-278.8, 16.1-278.9, 18.2-61, 18.2-67.1, or 18.2-251, there shall be assessed as court costs a fee of ~~\$350~~ \$385, to be known as the fixed felony fee.

The amount collected, in whole or in part, for the fixed felony fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Sentencing/supervision fee (General Fund) ~~(.5041143)~~ (.4582856);
2. Forensic science fund ~~(.1107143)~~ (.1006292);
3. Court reporter fund ~~(.0950571)~~ (.0864155);
4. Witness expenses/expert witness fund ~~(.0057143)~~ (.0051948);
5. Virginia Crime Victim-Witness Fund ~~(.0085714)~~ (.0077922);
6. Intensified Drug Enforcement Jurisdiction Fund ~~(.0114286)~~ (.0103896);
7. Criminal Injuries Compensation Fund ~~(.0857143)~~ (.0779221);
8. Commonwealth's attorney fund (state share) ~~(.0214286)~~ (.0519481);
9. Commonwealth's attorney fund (local share) ~~(.0214286)~~ (.0519481);
10. Regional Criminal Justice Academy Training Fund ~~(.0028571)~~ (.0025974);
11. Warrant fee ~~(.0342857)~~ (.0311688);
12. Courthouse construction/maintenance fund ~~(.0057143)~~; and (.0051948);
13. Clerk of the circuit court ~~(.0929714)~~; (.0845195); and
14. *Internet Crimes Against Children Fund* (.0259740).

§ 17.1-275.2. Fixed fee for felony reduced to misdemeanor.

In circuit court, upon the conviction of a person of any and each misdemeanor reduced from a felony charge, or upon a deferred disposition of proceedings in the case of any and each misdemeanor reduced from a felony charge and deferred pursuant to the terms and conditions of § 4.1-305, 16.1-278.8, 16.1-278.9, 18.2-57.3, or 19.2-303.2, there shall be assessed as court costs a fee of ~~\$202~~ \$237, to be known as the fixed fee for felony reduced to misdemeanor. However, this section shall not apply to those proceedings provided for in § 17.1-275.8.

The amount collected, in whole or in part, for the fixed fee for felony reduced to misdemeanor shall be apportioned to the following funds in the fractional amounts designated:

1. Sentencing/supervision fee (General Fund) ~~(.1904950)~~ (.1623629);
2. Forensic science fund ~~(.1918317)~~ (.1635021);
3. Court reporter fund ~~(.1647030)~~ (.1403798);
4. Witness expenses/expert witness fund ~~(.0099010)~~ (.0084388);
5. Virginia Crime Victim-Witness Fund ~~(.0148515)~~ (.0126582);
6. Intensified Drug Enforcement Jurisdiction Fund ~~(.0198020)~~ (.0168776);
7. Criminal Injuries Compensation Fund ~~(.0990099)~~ (.0843882);
8. Commonwealth's attorney fund (state share) ~~(.0371287)~~ (.0843882);
9. Commonwealth's attorney fund (local share) ~~(.0371287)~~ (.0843882);
10. Regional Criminal Justice Academy Training Fund ~~(.0049505)~~ (.0042194);
11. Warrant fee ~~(.0594059)~~ (.0506328);
12. Courthouse construction/maintenance fund ~~(.0099010)~~; and (.0084388);
13. Clerk of the circuit court ~~(.1608911)~~; (.1371308); and
14. *Internet Crimes Against Children Fund* (.0421941).

§ 17.1-275.3. Fixed felony revocation fee.

Upon the partial or full revocation of suspension of sentence or probation of a convicted felon

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59 pursuant to § 19.2-306, other than a revocation for failure to pay previously assessed court costs, there
 60 shall be assessed as court costs a fee of ~~\$133~~ \$168 to be known as the fixed felony revocation fee. A
 61 single fixed felony revocation fee shall be assessed per defendant per hearing without regard to the
 62 number of revocations being considered.

63 The amount collected, in whole or in part, for the fixed felony revocation fee shall be apportioned to
 64 the following funds in the fractional amounts designated:

- 65 1. Virginia Crime Victim-Witness Fund (~~-.0225564~~) (.0178572);
- 66 2. Intensified Drug Enforcement Jurisdiction Fund (~~-.0300752~~) (.0238095);
- 67 3. Court reporter fund (~~-.2501504~~) (.1980357);
- 68 4. Witness expenses/expert witness fund (~~-.0150376~~) (.0119048);
- 69 5. Commonwealth's attorney fund (state share) (~~-.0563910~~) (.1190476);
- 70 6. Commonwealth's attorney fund (local share) (~~-.0563910~~) (.1190476);
- 71 7. Criminal Injuries Compensation Fund (~~-.2255639~~) (.1785714);
- 72 8. Regional Criminal Justice Academy Training Fund (~~-.0075188~~) (.0059524);
- 73 9. Warrant fee (~~-.0902256~~); and (.0714286);
- 74 10. Clerk of the circuit court (~~-.2460902~~) (.1948214); and
- 75 11. *Internet Crimes Against Children Fund* (.0595238).

76 § 17.1-275.4. Fixed misdemeanor reduced from felony revocation fee.

77 In circuit court, when a person whose charge was reduced from a felony charge is convicted of a
 78 misdemeanor and subsequently suffers partial or full revocation of his suspension of sentence or
 79 probation pursuant to § 19.2-306, other than a revocation for failure to pay previously assessed court
 80 costs, he shall be assessed as court costs a fee of ~~\$89.50~~ \$124.50 to be known as the fixed misdemeanor
 81 reduced from felony revocation fee. A single fixed misdemeanor reduced from felony revocation fee
 82 shall be assessed per defendant per hearing without regard to the number of misdemeanor revocations
 83 being considered except that if a revocation of probation or suspended sentence upon a felony
 84 conviction is also being considered at the same revocation proceeding, a single fixed felony revocation
 85 fee shall apply instead. The amount collected, in whole or in part, for the fixed misdemeanor reduced
 86 from felony revocation fee shall be apportioned, as provided by law, to the following funds in the
 87 fractional amounts designated:

- 88 1. Virginia Crime Victim-Witness Fund (~~-.0335196~~) (.0240964);
- 89 2. Intensified Drug Enforcement Jurisdiction Fund (~~-.0446927~~) (.0321285);
- 90 3. Witness expenses/expert witness fund (~~-.0223464~~) (.0160642);
- 91 4. Commonwealth's attorney fund (state share) (~~-.0837989~~) (.1606426);
- 92 5. Commonwealth's attorney fund (local share) (~~-.0837989~~) (.1606426);
- 93 6. Criminal Injuries Compensation Fund (~~-.2234637~~) (.1606426);
- 94 7. Regional Criminal Justice Academy Training Fund (~~-.0111732~~) (.0080321);
- 95 8. Warrant fee, as prescribed by § 17.1-272 (~~-.1340782~~); and (.0963855);
- 96 9. Clerk of the circuit court (~~-.3631285~~) (.2610442); and
- 97 10. *Internet Crimes Against Children Fund* (.0803212).

98 § 17.1-275.7. Fixed misdemeanor fee.

99 In circuit court, upon (i) conviction of any and each misdemeanor, not originally charged as a felony;
 100 (ii) a deferred disposition of proceedings in the case of any and each misdemeanor not originally
 101 charged as a felony and deferred pursuant to the terms and conditions of § 4.1-305, 16.1-278.8,
 102 16.1-278.9, 18.2-57.3, or 19.2-303.2; (iii) any and each conviction of a traffic infraction or referral to a
 103 driver improvement clinic or traffic school in lieu of a finding of guilt for a traffic infraction; or (iv)
 104 proof of compliance with law under §§ 46.2-104 and 46.2-1157, there shall be assessed as court costs a
 105 fee of ~~\$70~~ \$90, to be known as the fixed misdemeanor fee. However, this section shall not apply to
 106 those proceedings provided for in § 17.1-275.8. This fee shall be in addition to any fee assessed in the
 107 district court.

108 The amount collected, in whole or in part, for the fixed misdemeanor fee shall be apportioned, as
 109 provided by law, to the following funds in the fractional amounts designated:

- 110 1. Sentencing/supervision fee (General Fund) (~~-.0142857~~) (.0111111);
- 111 2. Witness expenses/expert witness fee (General Fund) (~~-.0285714~~) (.0222222);
- 112 3. Virginia Crime Victim-Witness Fund (~~-.0428571~~) (.0333333);
- 113 4. Intensified Drug Enforcement Jurisdiction Fund (~~-.0571429~~) (.0444444);
- 114 5. Criminal Injuries Compensation Fund (~~-.2857143~~) (.2222222);
- 115 6. Commonwealth's Attorney Fund (state share) (~~-.0357143~~) (.0833333);
- 116 7. Commonwealth's Attorney Fund (local share) (~~-.0357143~~) (.0833333);
- 117 8. Regional Criminal Justice Academy Training Fund (~~-.0142857~~) (.0111111);
- 118 9. Warrant fee, as prescribed by § 17.1-272 (~~-.1714286~~) (.1333333);
- 119 10. Courthouse Construction/Maintenance Fund (~~-.0285714~~); and (.0222222);
- 120 11. Clerk of the circuit court (~~-.2857143~~) (.2222222); and

12. *Internet Crimes Against Children Fund (.111111).*

§ 17.1-275.8. Fixed drug misdemeanor fee.

In circuit court, upon conviction of any and each misdemeanor charge, whether or not originally charged as a felony, for a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or upon a deferred disposition of proceedings in the case of any and each misdemeanor charge, whether or not originally charged as a felony, deferred pursuant to the terms and conditions of § 18.2-251, there shall be assessed as court costs a fee of ~~\$286.50~~ \$306.50, to be known as the fixed drug misdemeanor fee. This fee shall be in addition to any fee assessed in the district court.

The amount collected, in whole or in part, for the fixed drug misdemeanor fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Sentencing/supervision fee (General Fund) ~~(.1308901)~~ (.1223491);
2. Court Reporter Fund ~~(.0174520)~~ (.0163132);
3. Witness expenses/expert witness fee (General Fund) ~~(.0069808)~~ (.0065253);
4. Virginia Crime Victim-Witness Fund ~~(.0104712)~~ (.0097879);
5. Intensified Drug Enforcement Jurisdiction Fund ~~(.0139616)~~ (.0130506);
6. Criminal Injuries Compensation Fund ~~(.0698080)~~ (.0652528);
7. Commonwealth's Attorney Fund (state share) ~~(.0087260)~~ (.0244698);
8. Commonwealth's Attorney Fund (local share) ~~(.0087260)~~ (.0244698);
9. Regional Criminal Justice Academy Training Fund ~~(.0034904)~~ (.0032626);
10. Warrant fee, as prescribed by § 17.1-272 ~~(.0418848)~~ (.0391517);
11. Courthouse Construction/Maintenance Fund ~~(.0069808)~~ (.0065253);
12. Clerk of the circuit court ~~(.0698080)~~ (.0652528);
13. Forensic laboratory fee (General Fund) ~~(.3490401)~~; and (.3262642);
14. Drug Offender Assessment and Treatment Fund ~~(.2617801)~~ (.2446982); and
15. *Internet Crimes Against Children Fund (.0326264).*

§ 17.1-275.9. Fixed misdemeanor revocation fee.

In circuit court, when a person is convicted of a misdemeanor not originally charged as a felony and subsequently suffers partial or full revocation of his suspension of sentence or probation pursuant to § 19.2-306, he shall be assessed as court costs a fee of ~~\$67~~ \$87 to be known as the fixed misdemeanor revocation fee. A single fixed misdemeanor revocation fee shall be assessed per defendant per hearing without regard to the number of misdemeanor revocations being considered, except that if a revocation of probation or suspended sentence upon a felony conviction is also being considered at the same revocation proceeding, a single fixed felony revocation fee shall apply instead. The amount collected, in whole or in part, for the fixed misdemeanor revocation fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Virginia Crime Victim-Witness Fund ~~(.0447761)~~ (.0344827);
2. Intensified Drug Enforcement Jurisdiction Fund ~~(.0597015)~~ (.0459770);
3. Witness expenses/expert witness fee (General Fund) ~~(.0298507)~~ (.0229884);
4. Commonwealth's Attorney Fund (state share) ~~(.0373134)~~ (.0862068);
5. Commonwealth's Attorney Fund (local share) ~~(.0373134)~~ (.0862068);
6. Criminal Injuries Compensation Fund ~~(.2985075)~~ (.2298851);
7. Regional Criminal Justice Training Academy Fund ~~(.0149254)~~ (.0114942);
8. Warrant fee, as prescribed by § 17.1-272 ~~(.1791045)~~; and (.1379310);
9. Clerk of the circuit court ~~(.2985075)~~ (.2298851); and
10. *Internet Crimes Against Children Fund (.1149425).*

§ 17.1-275.12. Additional fee for Internet Crimes Against Children Fund.

In addition to the fees provided for by §§ ~~16.1-69.48:1, 16.1-69.48:1.01, 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.5, 17.1-275.7, 17.1-275.8, 17.1-275.9, 17.1-275.10, and 17.1-275.11,~~ a fee of \$10 upon each felony or misdemeanor conviction shall be assessed as court costs. All fees collected pursuant to this section shall be deposited into the state treasury and credited to the Internet Crimes Against Children Fund.

There is hereby established in the state treasury the Internet Crimes Against Children Fund. Such fund shall consist of all fees collected under this section, moneys appropriated directly to the Fund, and any other grants or gifts made to the Fund. Moneys in the Fund shall be disbursed in the following manner: to the Virginia State Police, 33.3333 percent of the total annual deposits to support the Northern Virginia Internet Crimes Against Children program; to the Department of Criminal Justice Services, 33.3333 percent of the total annual deposits to support the Southern Virginia Internet Crimes Against Children program; to the Department of Criminal Justice Services, 27.7777 percent of the total annual deposits to support grants and training and equipment for local law-enforcement agencies' use in investigating and prosecuting Internet crimes against children; and to the Department of Social Services, 5.5555 percent of the total annual deposits to support the Virginia Child Protection Accountability

182 System established under § 63.2-1530.