

Department of Planning and Budget 2011 Fiscal Impact Statement

1. Bill Number: HB 2150

House of Origin	<input type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input checked="" type="checkbox"/>	Enrolled

2. Patron: Cline

3. Committee: Passed both houses

4. Title: Fixed felony and misdemeanor fees

5. Summary:

In the Code of Virginia, there are numerous statutes that assess fees that are to be collected as court costs from persons convicted of felony or misdemeanor offenses. These fees are scattered throughout the Code. The statutes direct that the revenue from some of the fees be deposited in state or local treasuries to help offset the costs of a specified aspect of the operation of the courts, such as witness fees, Commonwealth's attorneys, or courthouse maintenance. The revenues from other fees are directed to special funds established to support specific functions related to public safety, such as compensation of persons injured by criminal activity, drug abuse assessment, and regional criminal justice training academies.

In order to assist clerks of court in keeping track of these various fees and the funds to which they should be deposited, the General Assembly has enacted fixed fee statutes. These Code sections roll the various applicable fees together into one cumulative fee and sets out how that cumulative "fixed" fee shall be apportioned. The apportionment of the fixed fee corresponds to the amount set out in the various sections authorizing the individual fees. For example, § 17.1-275.1 of the Code of Virginia establishes a fixed felony fee of \$350 to be assessed as court costs for anyone convicted of a felony. Of that amount, 0.0057143 percent, or \$2.00, is designated for the courthouse construction/maintenance fund, which is authorized in § 17.1-281.

When the General Assembly changes any of the fees that constitute costs of court or adds new ones, it sometimes amends the fixed fee statutes concurrently; otherwise, it is necessary to update the fixed fee statutes later.

The proposed legislation updates the fixed felony fee statutes and two misdemeanor fixed fee statutes for circuit courts to incorporate changes made by the General Assembly in its 2010 session. In 2010, the General Assembly increased the fee assessed to offset some of the costs of the Commonwealth's attorneys' offices—from \$15 to \$40 for felonies and from \$10 to \$20 for misdemeanor cases. The proposed bill incorporates these changes into the appropriate fixed fee statutes.

6. Budget Amendment Necessary: None.

7. No Fiscal Impact: Preliminary. See Item 8.

8. Fiscal Implications:

The proposed adjusts the fixed fee tables to reflect changes made in a prior General Assembly session. These prior fee changes have already been implemented. Updating the tables will be a convenience to the clerks of court, who assess the fees, but will not result in any additional revenue.

9. Specific Agency or Political Subdivisions Affected:

Circuit court clerks

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/7/2011

Document: G:\LEGIS\Fis-11\Hb2150h1.Doc Dick Hall-Sizemore