

# 2017 SESSION

INTRODUCED

17103129D

## SENATE BILL NO. 1305

Offered January 11, 2017

Prefiled January 10, 2017

A *BILL to amend and reenact § 17.1-606 of the Code of Virginia, relating to inability to pay fees or costs on account of poverty; guidelines.*

Patrons—Vogel and Chafin

Referred to Committee for Courts of Justice

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

1. That § 17.1-606 of the Code of Virginia is amended and reenacted as follows:

#### § 17.1-606. Persons allowed services without fees or costs.

Any person, who is (i) a plaintiff in a civil action in a court of the Commonwealth and a resident of this the Commonwealth or (ii) a defendant in a civil action in a court of the Commonwealth, and who is on account of his poverty is unable to pay fees or costs, may be allowed by a court to sue or defend a suit therein, without paying fees or costs; whereupon he shall have, from any counsel whom the court may assign him, and from all officers, all needful services and process, without any fees, except what may be included in the costs recovered from the opposite party. In determining a person's inability to pay fees or costs on account of his poverty, the court shall consider the factors set forth in subsection B of § 19.2-159. If the person is represented by an attorney working for a nonprofit legal aid program organized under the auspices of the Virginia State Bar or by a private attorney providing free legal assistance to the person under the auspices of such a program, and the person's eligibility for such representation is based on the person's indigency, then such person shall be presumed to be eligible to proceed in the civil action without paying fees or costs.

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