

Department of Planning and Budget 2017 Fiscal Impact Statement

1. **Bill Number:** HB2386H1

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Loupassi

3. **Committee:** House Committee for Courts of Justice

4. **Title:** Payment of court-ordered fines, etc.; deferred or installment payment agreements.

5. **Summary:** Establishes the requirements for deferred or installment payment agreements that a court must offer a defendant who is unable to pay court-ordered fines, costs, forfeitures, and penalties. The bill directs the court to give defendants written notice of the availability of deferred, modified deferred and installment payment agreements, and, any community service program available for the defendant to earn credit toward discharge of fines and costs. Defendants cannot be denied the opportunity to enter into a deferred or installment payment agreement based solely on (i) category of offense, (ii) total amount of all fines and costs, (iii) previously defaulted the terms of a payment agreement, (iv) fines and fees have been referred to collections pursuant § 19.2-349, (v) defendant does not have an established payment history, or (vi) defendant is eligible for a restricted driver's license under subsection E of § 46.2-395. The bill requires the court to consider the defendant's financial resources and obligations, including any fines and costs owed to other courts, in determining the length of time to pay under a deferred or installment payment agreement. The court may require a down payment as a condition of a defendant entering into a payment agreement. In the case of an installment payment agreement, the required down payment may not exceed (i) if the fines and costs owed are \$500 or less, 20 percent of such amount or (ii) if the fines and costs owed are more than \$500, 10 percent of such amount or \$100, whichever is greater. The court may require a higher down payment from a defendant for good cause shown. All fines and costs that a defendant owes for all cases in a single court may be incorporated into one payment agreement, unless otherwise ordered by the court in specific cases. At any time during the duration of a payment agreement, the defendant may request a modification of the agreement by motion, and the court may grant such modification after a hearing based on a good faith showing of need. Lastly, the bill requires the court to consider a request by a defendant who has defaulted on a payment agreement to enter into a subsequent payment agreement. A down payment is required to enter into a subsequent payment agreement. When a defendant enters into a subsequent payment agreement, a court shall not require a defendant to establish a payment history on the subsequent payment agreement before restoring the defendant's driver's license.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary (see Item #8)

8. Fiscal Implications: According to the Office of the Executive Secretary of the Supreme Court (OES), the proposed bill is not expected to have a material fiscal impact on court operations.

9. Specific Agency or Political Subdivisions Affected: Courts

10. Technical Amendment Necessary: No

11. Other Comments: None