

# VIRGINIA ACTS OF ASSEMBLY -- 2018 SESSION

## CHAPTER 736

*An Act to amend and reenact §§ 19.2-305.2 and 19.2-341 of the Code of Virginia, relating to restitution; penalties other than fines; limitations on actions.*

[S 846]

Approved March 30, 2018

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

**1. That §§ 19.2-305.2 and 19.2-341 of the Code of Virginia are amended and reenacted as follows:**

**§ 19.2-305.2. Amount of restitution; enforcement.**

A. The court, when ordering restitution pursuant to § 19.2-305.1, may require that such defendant, in the case of an offense resulting in damage to or loss or destruction of property of a victim of the offense, (i) return the property to the owner or (ii) if return of the property is impractical or impossible, pay an amount equal to the greater of the value of the property at the time of the offense or the value of the property at the time of sentencing.

B. An order of restitution may be docketed as provided in § 8.01-446 when so ordered by the court or upon written request of the victim and may be enforced by a victim named in the order to receive the restitution in the same manner as a judgment in a civil action. *Enforcement by a victim of any order of restitution docketed as provided in § 8.01-446 is not subject to any statute of limitations.* Such docketing shall not be construed to prohibit the court from exercising any authority otherwise available to enforce the order of restitution.

**§ 19.2-341. Penalties other than fines; how recovered; in what name; limitation of actions.**

When any statute or ordinance prescribes a monetary penalty other than a fine, unless it is otherwise expressly provided or would be inconsistent with the manifest intention of the General Assembly, it shall be paid to the Commonwealth if prescribed by a statute and paid to the locality if prescribed by an ordinance and recoverable by warrant, presentment, indictment, or information. Penalties imposed and costs taxed in any such proceeding shall constitute a judgment and, if not paid at the time they are imposed, execution may issue thereon in the same manner as upon any other monetary judgment. No such proceeding of any nature, however, shall be brought or had for the recovery of such a penalty or costs due the Commonwealth or any political subdivision thereof, unless within ~~twenty~~ 60 years from the date of the offense or delinquency giving rise to imposition of such penalty if imposed by a circuit court, or within ~~ten~~ 30 years if imposed by a general district court.