

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: SB1159S1

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Boysko

3. Committee: Senate Finance and Appropriations

4. Title: Fines, costs, etc.; time period to commence collection activity

5. Summary: The substitute bill amends § 19.2-349 (Responsibility for collections; clerks to report unsatisfied fines, etc.; duty of attorneys for Commonwealth; duties of Department of Taxation) to extend the time period that collection activity may commence for unsatisfied fines, costs, forfeitures, penalties, and restitution to 180 days.

The bill further states that notwithstanding any other provision of law, no fines, costs, forfeitures, or penalties imposed in a criminal case or in a case involving a traffic infraction can be subject to collection by the attorney for the Commonwealth or any collection agency on behalf of the attorney for the Commonwealth, including any private attorney and private or public collection agency, nor can any collection fees, including administrative fees authorized by § 58.1-3958, or any other fees related to collection activities be assessed (i) for any period during which the defendant is incarcerated and (ii) for a period of 180 days following the date of the defendant's release from incarceration if the sentence includes an active term of incarceration.

6. Budget Amendment Necessary: Yes, Item 42

7. Fiscal Impact Estimates: Preliminary (see Item 8 and 11 below)

8. Fiscal Implications: According to the Office of the Executive of the Supreme Court (“OES”), enhancements will need to be made to the court system’s financial management system (FMS) to implement the provisions of this bill. The FMS will need to be programmed to extend the period before collection activity can be commenced from 90 days to 180 days. In addition, FMS will need to be programmed to halt the sending of a case to collections while a defendant is incarcerated on that case and for a period of 180 days following the date of the defendant’s release from incarceration. OES estimates that the required programming of FMS to meet the requirements of this bill will have a fiscal impact of \$296,400.

According to the Virginia Association of Commonwealth’s Attorneys (“VACA”), the bill will likely have a workload and fiscal impact on Commonwealth’s Attorneys offices. However, the fiscal impact cannot be determined at this time.

9. Specific Agency or Political Subdivisions Affected: Courts, Commonwealth's Attorneys

10. Technical Amendment Necessary: No

11. Other Comments: It is not clear if language in the appropriation act (Item 76 of HB1400/SB800) conflicts with the proposed bill.