

983724825

HOUSE BILL NO. 664

Offered January 22, 1998

A BILL to amend and reenact §§ 14.1-112 and 16.1-273, as they are currently effective and as they may become effective, 18.2-251, 18.2-252 and 19.2-299 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 18.2-251.01, 18.2-251.02 and 18.2-271.3, relating to drug assessment of certain offenders.

Patrons—Almand, Baker, Bloxom, Davies, Deeds, Guest, Hall, Robinson and Woodrum; Senators: Edwards, Gartlan, Howell, Martin, Reynolds, Schrock and Stolle

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 14.1-112 and 16.1-273, as they are currently effective and as they may become effective, 18.2-251, 18.2-252 and 19.2-299 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding sections numbered 18.2-251.01, 18.2-251.02 and 18.2-271.3, as follows:

§ 14.1-112. Clerks of circuit courts; generally.

A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

(1) When a writing is admitted to record under Chapter 2 (§ 17-33 et seq.) of Title 17, or Chapter 5 (§ 55-80 et seq.) or Chapter 6 (§ 55-106 et seq.) of Title 55, for everything relating to it, except the recording in the proper book; for receiving proof of acknowledgments, entering orders, endorsing clerk's certificate, and when required, embracing it in a list for the commissioner of the revenue, one dollar.

(2) For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, thirteen dollars, including the fee of one dollar set forth in subdivision (1) for up to four pages and one dollar for each page over four pages, and for recording plats too large to be recorded in the deed books, and for each sheet thereof, thirteen dollars. This fee shall be in addition to the fee for recording a deed or other instrument recorded in conjunction with such plat sheet or sheets including the fee of one dollar set forth in subdivision (1). Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. In addition, a fee of one dollar shall be charged for indexing any document for each name indexed exceeding a total of ten in number. One dollar of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

(3) [Repealed.]

(4) For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, twenty dollars for estates not exceeding \$50,000, twenty-five dollars for estates not exceeding \$100,000 and thirty dollars for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

(5) For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, ten dollars.

(6) For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, ten dollars.

(7) For making out any bond, other than those under § 14.1-90 or subdivision (5) of this section, administering all necessary oaths and writing proper affidavits, three dollars.

(8) For issuing any execution, and recording the return thereof, \$1.50 and for all services rendered by the clerk in any garnishment or attachment proceeding the clerk's fee shall be fifteen dollars in cases not exceeding \$500 and twenty-five dollars in all other cases.

(9) [Repealed.]

(10) For making out a copy of any paper or record to go out of the office, which is not otherwise specifically provided for, a fee of fifty cents for each page. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

(11) For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge two dollars and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional fifty cents.

(12) through (14) [Repealed.]

(15) Upon conviction in felony cases or when a felony defendant's suspension of sentence and

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60 probation is revoked pursuant to § 19.2-306, other than a revocation for failure to pay prior court costs,
61 the clerk shall charge the defendant thirty-six dollars in each case, one dollar of which shall be
62 forwarded to the State Treasurer for deposit in the Regional Criminal Justice Academy Training Fund as
63 provided in § 14.1-133.4, to be used for financial support of the regional criminal justice training
64 academies.

65 In addition, in each case in which a person is convicted of a violation of any provision of Article 1
66 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, the clerk shall assess (i) a fee of ~~\$100~~\$150 for each
67 felony conviction and each felony disposition under § 18.2-251 *which shall be taxed as costs to the*
68 *defendant and shall be paid into the Drug Offender Assessment Fund* and (ii) a fee of \$100 per case for
69 any forensic laboratory analysis performed for use in prosecution of such violation. ~~Such fees which~~
70 *shall be taxed as costs to the defendant and shall be paid into the general fund of the state treasury. The*
71 *court may waive a part or all of the fee to be paid into the Drug Offender Assessment Fund if the court*
72 *first finds by clear and convincing evidence that the person is financially unable to pay all of the fee.*

73 In addition, in all felony cases, including the revocation of suspension of sentence and probation held
74 pursuant to § 19.2-306, other than a revocation for failure to pay prior court costs, the clerk shall collect
75 and tax as costs (i) the expense of reporting or recording the trial or hearing in an amount equal to the
76 per diem charges of the reporter or reasonable charge attributable to the cost of operating the mechanical
77 or electronic devices in accordance with § 19.2-165, (ii) a fee of two dollars and fifty cents per charge,
78 (iii) the fees of the attorney for the Commonwealth as provided for in § 14.1-121, (iv) the compensation
79 of court-appointed counsel as provided in § 19.2-163, (v) the fees of the public defenders as provided
80 for in § 19.2-163.2, (vi) the additional costs per charge imposed under § 19.2-368.18 to be deposited
81 into the Criminal Injuries Compensation Fund, and (vii) in any court of record in which electronic
82 devices are used for the purpose of recording testimony, a sum not to exceed twenty dollars for each
83 day or part of a day of the trial to be paid by the clerk into a special fund to be used for the purpose of
84 repairing, replacing or supplementing such electronic devices, or if a sufficient amount is available, to
85 pay the purchase price of such devices in whole or in part. For the purpose of this subdivision, repairing
86 shall include maintenance or service contracts.

87 (16) Upon conviction in misdemeanor cases, the clerk shall charge the defendant twenty-six dollars
88 in each case. Sums shall be collected for and paid to the benefit of the Virginia Crime Victim-Witness
89 Fund as provided for in § 19.2-11.3 and one dollar of the amount collected hereunder shall be forwarded
90 to the State Treasurer for deposit in the Regional Criminal Justice Academy Training Fund as provided
91 in § 14.1-133.4, to be used for financial support of the regional criminal justice training academies,
92 irrespective of whether the defendant was convicted of a misdemeanor chargeable under the Code of
93 Virginia or pursuant to a local ordinance.

94 In addition, in each case in which a person is convicted of a violation of any provision of Article 1
95 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, the clerk shall assess (i) a fee of ~~fifty~~ seventy-five
96 ~~dollars~~for each misdemeanor conviction *which shall be taxed as costs to the defendant and shall be paid*
97 *into the Drug Offender Assessment Fund* and (ii) a fee of \$100 per case for any forensic laboratory
98 analysis performed for use in prosecution of such violation. ~~Such fees which~~ shall be taxed as costs to
99 the defendant and shall be paid into the general fund of the state treasury. *The court may waive a part*
100 *or all of the fee to be paid into the Drug Offender Assessment Fund if the court first finds by clear and*
101 *convincing evidence that the person is financially unable to pay all of the fee.*

102 In addition, for each misdemeanor case the clerk shall collect and tax as costs (i) the fees of the
103 attorneys for the Commonwealth as provided for in § 14.1-121, (ii) the compensation of court-appointed
104 counsel as provided in § 19.2-163, (iii) the fees of the public defenders as provided for in § 19.2-163.2,
105 (iv) the additional costs imposed under § 19.2-368.18 to be deposited into the Criminal Injuries
106 Compensation Fund, and (v) in any court in which electronic devices are used for the purpose of
107 recording testimony, a sum not to exceed five dollars for each day or part of a day of the trial to be
108 paid by the clerk into a special fund to be used for the purpose of repairing, replacing or supplementing
109 such electronic devices, or if a sufficient amount is available, to pay the purchase price of such devices
110 in whole or in part. For the purpose of this subdivision, repairing shall include maintenance or service
111 contracts.

112 (16a) Upon the defendant's being required to successfully complete traffic school or a driver
113 improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as
114 if he had been convicted.

115 (17) In all actions at law the clerk's fee chargeable to the plaintiff shall be fifty dollars in cases not
116 exceeding \$50,000, \$100 in cases not exceeding \$100,000, and \$150 in cases exceeding \$100,000; and
117 in condemnation cases, a fee of twenty-five dollars, to be paid by the plaintiff at the time of instituting
118 the action, this fee to be in lieu of any other fees. There shall be no fee charged for the filing of a
119 cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be
120 charged upon the filing of a counterclaim. The fees prescribed above shall be collected upon the filing
121 of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed

in the Supreme Court of Virginia.

(17a) In addition to the fees chargeable for actions at law, for the costs of proceedings for judgments by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or certified mail, (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment, (iii) for the sheriff for serving each copy of the order entering judgment, one dollar and twenty-five cents, and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision (22) of this section.

(18) [Repealed.]

(19) For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, ten dollars.

(20) For each habeas corpus proceeding, the clerk shall receive ten dollars for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

(21) [Repealed.]

(22) For docketing and indexing a judgment from any other court of this Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of five dollars; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of five dollars; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of twenty dollars.

(23) For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge ten dollars, to be paid by the party filing said papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

(24) For receiving and processing an application for a tax deed, ten dollars.

(25) For all services rendered by the clerk in any condemnation proceeding instituted by the Commonwealth, twenty-five dollars.

(26), (27) [Repealed.]

(28) For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § 8.01-529, one dollar.

(29) For all services rendered by the clerk in any proceeding pursuant to § 57-8 or § 57-15, ten dollars.

(30) For preparation and issuance of a subpoena duces tecum or a summons for interrogation by an execution creditor, five dollars.

(31) For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, twenty dollars; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

(32) For providing court records or documents on microfilm, per frame, ten cents.

(33) In all chancery causes, the clerk's fee chargeable to the plaintiff shall be fifty dollars to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. However, no fee shall be charged for the filing of a cross-bill in any pending suit. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.

(34) For the acceptance of credit cards in lieu of money to collect and secure all fees, fines, restitution, forfeiture, penalties and costs in accordance with § 19.2-353.3, the clerk shall collect a service charge of four percent of the amount paid.

(35) For the return of any check unpaid by the financial institution on which it was drawn or notice is received from the credit card issuer that payment will not be made for any reason, the clerk shall collect, if allowed by the court, a fee of twenty dollars or ten percent of the amount to be paid, whichever is greater, in accordance with § 19.2-353.3.

(36) For all services rendered in an adoption proceeding, a fee of twenty dollars, in addition to the fee imposed under § 63.1-236.1, to be paid by the petitioner or petitioners.

(37) For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same amount as the fee for the original license.

(38) For the filing of any petition as provided in §§ 33.1-124, 33.1-125 and 33.1-129, a fee of five dollars to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.1-122, as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

(39) For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, a fee of twenty dollars.

183 (40) For issuance of hunting and trapping permits in accordance with § 10.1-1154, twenty-five cents.
184 (41) For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et seq.), the fees
185 shall be as prescribed in that Act.
186 (42) [Repealed.]
187 (43) For filing the appointment of a resident agent for a nonresident property owner in accordance
188 with § 55-218.1, a fee of one dollar.
189 (44) For filing power of attorney for service of process, or resignation or revocation thereof, in
190 accordance with § 59.1-71, a fee of twenty-five cents.
191 (45) For recordation of certificate and registration of names of nonresident owners in accordance with
192 § 59.1-74, a fee of ten dollars.
193 (46) For maintaining the information required under the Overhead High Voltage Line Safety Act
194 (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.
195 (47) For lodging, indexing and preserving a will in accordance with § 64.1-56, a fee of two dollars.
196 (48) For filing a financing statement in accordance with § 8.9-403, the fee shall be as prescribed
197 under that section.
198 (49) For filing a termination statement in accordance with § 8.9-404, the fee shall be as prescribed
199 under that section.
200 (50) For filing assignment of security interest in accordance with § 8.9-405, the fee shall be as
201 prescribed under that section.
202 (51) For filing a petition as provided in §§ 37.1-134.7 and 37.1-134.17, the fee shall be ten dollars.
203 In accordance with § 14.1-133.2, the clerk shall collect fees under subdivisions (8), (15), (16), (17),
204 (20), (23) if applicable, (25), (29), (31), (33), (36), and (38) to be designated for courthouse
205 construction, renovation or maintenance.
206 In accordance with § 14.1-125.1, the clerk shall collect fees under subdivisions (8), (17), (20), (23) if
207 applicable, (25), (29), (31), (33), (36), and (38) to be designated for services provided for the poor,
208 without charge, by a nonprofit legal aid program.
209 In accordance with § 14.1-133.3, the clerk shall collect fees under subdivisions (15) and (16) to be
210 designated for the Intensified Drug Enforcement Jurisdiction Fund.
211 In accordance with § 42.1-70, the clerk shall collect fees under subdivisions (8), (17), (20), (23) if
212 applicable, (25), (29), (31), (33), (36), and (38) to be designated for public law libraries.
213 The provisions of this section shall control the fees charged by clerks of circuit courts for the
214 services above described.
215 § 14.1-112. (Delayed effective date) Clerks of circuit courts; generally.
216 A clerk of a circuit court shall, for services performed by virtue of his office, charge the following
217 fees:
218 (1) When a writing is admitted to record under Chapter 2 (§ 17-33 et seq.) of Title 17, or Chapter 5
219 (§ 55-80 et seq.) or Chapter 6 (§ 55-106 et seq.) of Title 55, for everything relating to it, except the
220 recording in the proper book; for receiving proof of acknowledgments, entering orders, endorsing clerk's
221 certificate, and when required, embracing it in a list for the commissioner of the revenue, one dollar.
222 (2) For recording and indexing in the proper book any writing and all matters therewith, or for
223 recording and indexing anything not otherwise provided for, thirteen dollars, including the fee of one
224 dollar set forth in subdivision (1) for up to four pages and one dollar for each page over four pages, and
225 for recording plats too large to be recorded in the deed books, and for each sheet thereof, thirteen
226 dollars. This fee shall be in addition to the fee for recording a deed or other instrument recorded in
227 conjunction with such plat sheet or sheets including the fee of one dollar set forth in subdivision (1).
228 Only a single fee as authorized by this subdivision shall be charged for recording a certificate of
229 satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. In
230 addition, a fee of one dollar shall be charged for indexing any document for each name indexed
231 exceeding a total of ten in number. One dollar of the fee collected for recording and indexing shall be
232 designated for use in preserving the permanent records of the circuit courts. The sum collected for this
233 purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.
234 (3) [Repealed.]
235 (4) For appointing and qualifying any personal representative, committee, trustee, guardian, or other
236 fiduciary, in addition to any fees for recording allowed by this section, twenty dollars for estates not
237 exceeding \$50,000, twenty-five dollars for estates not exceeding \$100,000 and thirty dollars for estates
238 exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.
239 (5) For entering and granting and for issuing any license, other than a marriage license or a hunting
240 and fishing license, and administering an oath when necessary, ten dollars.
241 (6) For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths
242 or affidavits, indexing and recording, ten dollars.
243 (7) For making out any bond, other than those under § 14.1-90 or subdivision (5) of this section,
244 administering all necessary oaths and writing proper affidavits, three dollars.

(8) For issuing any execution, and recording the return thereof, \$1.50 and for all services rendered by the clerk in any garnishment or attachment proceeding the clerk's fee shall be fifteen dollars in cases not exceeding \$500 and twenty-five dollars in all other cases.

(9) [Repealed.]

(10) For making out a copy of any paper or record to go out of the office, which is not otherwise specifically provided for, a fee of fifty cents for each page. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

(11) For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge two dollars, and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional fifty cents.

(12) through (14) [Repealed.]

(15) Upon conviction in felony cases or when a felony defendant's suspension of sentence and probation is revoked pursuant to § 19.2-306, other than a revocation for failure to pay prior court costs, the clerk shall charge the defendant thirty-six dollars in each case, one dollar of which shall be forwarded to the State Treasurer for deposit in the Regional Criminal Justice Academy Training Fund as provided in § 14.1-133.4, to be used for financial support of the regional criminal justice training academies.

In addition, in each case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, the clerk shall assess (i) a fee of ~~\$100~~\$150 for each felony conviction and each felony disposition under § 18.2-251 *which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment Fund*; and (ii) a fee of \$100 per case for any forensic laboratory analysis performed for use in prosecution of such violation. *Such fees which shall be taxed as costs to the defendant and shall be paid into the general fund of the state treasury. The court may waive a part or all of the fee to be paid into the Drug Offender Assessment Fund if the court first finds by clear and convincing evidence that the person is financially unable to pay all of the fee.*

In addition, in all felony cases, including the revocation of suspension of sentence and probation held pursuant to § 19.2-306, other than a revocation for failure to pay prior court costs, the clerk shall collect and tax as costs (i) the expense of reporting or recording the trial or hearing in an amount equal to the per diem charges of the reporter or reasonable charge attributable to the cost of operating the mechanical or electronic devices in accordance with § 19.2-165, (ii) a fee of two dollars and fifty cents per charge, (iii) the fees of the attorney for the Commonwealth as provided for in § 14.1-121, (iv) the compensation of court-appointed counsel as provided in § 19.2-163, (v) the fees of the public defenders as provided for in § 19.2-163.2, (vi) the additional costs per charge imposed under § 19.2-368.18 to be deposited into the Criminal Injuries Compensation Fund, and (vii) in any court of record in which electronic devices are used for the purpose of recording testimony, a sum not to exceed twenty dollars for each day or part of a day of the trial to be paid by the clerk into a special fund to be used for the purpose of repairing, replacing or supplementing such electronic devices, or if a sufficient amount is available, to pay the purchase price of such devices in whole or in part. For the purpose of this subdivision, repairing shall include maintenance or service contracts.

(16) Upon conviction in misdemeanor cases, the clerk shall charge the defendant twenty-six dollars in each case. Sums shall be collected for the benefit of and paid to the Virginia Crime Victim-Witness Fund as provided for in § 19.2-11.3 and one dollar of the amount collected hereunder shall be forwarded to the State Treasurer for deposit in the Regional Criminal Justice Academy Training Fund as provided in § 14.1-133.4, to be used for financial support of the regional criminal justice training academies, irrespective of whether the defendant was convicted of a misdemeanor chargeable under the Code of Virginia or pursuant to a local ordinance.

In addition, in each case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, the clerk shall assess (i) a fee of ~~fifty~~ seventy-five dollars for each misdemeanor conviction *which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment Fund* and (ii) a fee of \$100 per case for any forensic laboratory analysis performed for use in prosecution of such violation. *Such fees which shall be taxed as costs to the defendant and shall be paid into the general fund of the state treasury. The court may waive a part or all of the fee to be paid into the Drug Offender Assessment Fund if the court first finds by clear and convincing evidence that the person is financially unable to pay all of the fee.*

In addition, for each misdemeanor case the clerk shall collect and tax as costs (i) the fees of the attorneys for the Commonwealth as provided for in § 14.1-121, (ii) the compensation of court-appointed counsel as provided in § 19.2-163, (iii) the fees of the public defenders as provided for in § 19.2-163.2, (iv) the additional costs imposed under § 19.2-368.18 to be deposited into the Criminal Injuries Compensation Fund, and (v) in any court in which electronic devices are used for the purpose of recording testimony, a sum not to exceed five dollars for each day or part of a day of the trial to be paid by the clerk into a special fund to be used for the purpose of repairing, replacing or supplementing

306 such electronic devices, or if a sufficient amount is available, to pay the purchase price of such devices
307 in whole or in part. For the purpose of this subdivision, repairing shall include maintenance or service
308 contracts.

309 (16a) Upon the defendant's being required to successfully complete traffic school or a driver
310 improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as
311 if he had been convicted.

312 (17) In all actions at law the clerk's fee chargeable to the plaintiff shall be fifty dollars in cases not
313 exceeding \$50,000, \$100 in cases not exceeding \$100,000, and \$150 in cases exceeding \$100,000; and
314 in condemnation cases, a fee of twenty-five dollars, to be paid by the plaintiff at the time of instituting
315 the action, this fee to be in lieu of any other fees. There shall be no fee charged for the filing of a
316 cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be
317 charged upon the filing of a counterclaim. The fees prescribed above shall be collected upon the filing
318 of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed
319 in the Supreme Court of Virginia.

320 (17a) In addition to the fees chargeable in actions at law, for the costs of proceedings for judgments
321 by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered
322 or certified mail, (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the
323 amount of the confessed judgment, (iii) for the sheriff for serving each copy of the order entering
324 judgment, one dollar and twenty-five cents, and (iv) for docketing the judgment and issuing executions
325 thereon, the same fees as prescribed in subdivision (22) of this section.

326 (18) [Repealed.]

327 (19) For qualifying notaries public, including the making out of the bond and any copies thereof,
328 administering the necessary oaths, and entering the order, ten dollars.

329 (20) For each habeas corpus proceeding, the clerk shall receive ten dollars for all services required
330 thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

331 (21) [Repealed.]

332 (22) For docketing and indexing a judgment from any other court of this Commonwealth, for
333 docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of
334 § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment
335 pursuant to § 8.01-452, a fee of five dollars; and for issuing an abstract of any recorded judgment, when
336 proper to do so, a fee of five dollars; and for filing, docketing, indexing and mailing notice of a foreign
337 judgment, a fee of twenty dollars.

338 (23) For all services rendered by the clerk in any court proceeding for which no specific fee is
339 provided by law, the clerk shall charge ten dollars, to be paid by the party filing said papers at the time
340 of filing.

341 (24) For receiving and processing an application for a tax deed, ten dollars.

342 (25) For all services rendered by the clerk in any condemnation proceeding instituted by the
343 Commonwealth, twenty-five dollars.

344 (26), (27) [Repealed.]

345 (28) For making the endorsements on a forthcoming bond and recording the matters relating to such
346 bond pursuant to the provisions of § 8.01-529, one dollar.

347 (29) For all services rendered by the clerk in any proceeding pursuant to § 57-8 or § 57-15, ten
348 dollars.

349 (30) For preparation and issuance of a subpoena duces tecum or a summons for interrogation by an
350 execution creditor, five dollars.

351 (31) For all services rendered by the clerk in matters filed in circuit court under § 8.01-217 relating
352 to change of name, twenty dollars; however, this subdivision shall not be applicable in cases where the
353 change of name is incident to a divorce.

354 (32) For providing court records or documents on microfilm, per frame, ten cents.

355 (33) In all chancery cases, the clerk's fee chargeable to the plaintiff shall be fifty dollars to be paid
356 by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified
357 copy of the final decree. However, no fee shall be charged for the filing of a cross-bill in any pending
358 suit. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree
359 of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of
360 both such decrees.

361 (34) For the acceptance of credit cards in lieu of money to collect and secure all fees, fines,
362 restitution, forfeiture, penalties and costs in accordance with § 19.2-353.3, the clerk shall collect a
363 service charge of four percent of the amount paid.

364 (35) For the return of any check unpaid by the financial institution on which it was drawn or notice
365 is received from the credit card issuer that payment will not be made for any reason, the clerk shall
366 collect, if allowed by the court, a fee of twenty dollars or ten percent of the amount to be paid,
367 whichever is greater, in accordance with § 19.2-353.3.

(36) For all services rendered in an adoption proceeding, a fee of twenty dollars, in addition to the fee imposed under § 63.1-236.1, to be paid by the petitioner or petitioners.

(37) For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same amount as the fee for the original license.

(38) For the filing of any petition as provided in §§ 33.1-124, 33.1-125 and 33.1-129, a fee of five dollars to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.1-122, as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

(39) For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, a fee of twenty dollars.

(40) For issuance of hunting and trapping permits in accordance with § 10.1-1154, twenty-five cents.

(41) For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et seq.), the fees shall be as prescribed in that Act.

(42) [Repealed.]

(43) For filing the appointment of a resident agent for a nonresident property owner in accordance with § 55-218.1, a fee of one dollar.

(44) For filing power of attorney for service of process, or resignation or revocation thereof, in accordance with § 59.1-71, a fee of twenty-five cents.

(45) For recordation of certificate and registration of names of nonresident owners in accordance with § 59.1-74, a fee of ten dollars.

(46) For maintaining the information required under the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

(47) For lodging, indexing and preserving a will in accordance with § 64.1-56, a fee of two dollars.

(48) For filing a financing statement in accordance with § 8.9-403, the fee shall be as prescribed under that section.

(49) For filing a termination statement in accordance with § 8.9-404, the fee shall be as prescribed under that section.

(50) For filing assignment of security interest in accordance with § 8.9-405, the fee shall be as prescribed under that section.

(51) For filing a petition as provided in §§ 37.1-134.7 and 37.1-134.17, the fee shall be ten dollars.

In accordance with § 14.1-133.2, the clerk shall collect fees under subdivisions (8), (15), (16), (17), (20), (23) if applicable, (25), (29), (31), (33), (36), and (38) to be designated for courthouse construction, renovation or maintenance.

In accordance with § 14.1-125.1, the clerk shall collect fees under subdivisions (8), (17), (20), (23) if applicable, (25), (29), (31), (33), (36), and (38) to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

In accordance with § 14.1-133.3, the clerk shall collect fees under subdivisions (15) and (16) to be designated for the Intensified Drug Enforcement Jurisdiction Fund.

In accordance with § 42.1-70, the clerk shall collect fees under subdivisions (8), (17), (20), (23) if applicable, (25), (29), (31), (33), (36), and (38) to be designated for public law libraries.

The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

§ 16.1-273. Court may require investigation of social history and preparation of victim impact statement.

A. When a juvenile and domestic relations district court or circuit court has adjudicated any case involving a child subject to the jurisdiction of the court hereunder, except for a traffic violation, a violation of the game and fish law or a violation of any city ordinance regulating surfing or establishing curfew violations, the court before final disposition thereof ~~may~~ shall require an investigation, which (i) shall include a drug screening and assessment to be conducted by the court services unit on any juvenile adjudicated delinquent for an offense committed on or after July 1, 1999, and (ii) may include the physical, mental and social conditions and personality of the child and the facts and circumstances surrounding the violation of law.

B. The court also shall, on motion of the attorney for the Commonwealth with the consent of the victim, or may in its discretion, require the preparation of a victim impact statement in accordance with the provisions of § 19.2-299.1 if the court determines that the victim may have suffered significant physical, psychological or economic injury as a result of the violation of law.

§ 16.1-273. (Delayed effective date) Court may require investigation of social history.

A. When a family court or circuit court has adjudicated any case involving a child subject to the jurisdiction of the court hereunder, except for a traffic violation, a violation of the game and fish law or a violation of any city ordinance regulating surfing or establishing curfew violations, the court before

429 final disposition thereof ~~may~~*shall* require an investigation, which *(i) shall include a drug screening and*
430 *assessment to be conducted by the court services unit on any juvenile adjudicated delinquent for an*
431 *offense committed on or after July 1, 1999, and (ii) may include the physical, mental and social*
432 *conditions and personality of the child and the facts and circumstances surrounding the violation of law.*

433 B. The court also shall, on motion of the attorney for the Commonwealth with the consent of the
434 victim, or may in its discretion, require the preparation of a victim impact statement in accordance with
435 the provisions of § 19.2-299.1 if the court determines that the victim may have suffered significant
436 physical, psychological or economic injury as a result of the violation of law.

437 § 18.2-251. Persons charged with first offense may be placed on probation; conditions; screening,
438 evaluation and education programs; drug tests; costs and fees; violations; discharge.

439 Whenever any person who has not previously been convicted of any offense under this article or
440 under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant,
441 depressant, or hallucinogenic drugs, or has not previously had a proceeding against him for violation of
442 such an offense dismissed as provided in this section, pleads guilty to or enters a plea of not guilty to
443 possession of a controlled substance under § 18.2-250 or to possession of marijuana under § 18.2-250.1,
444 the court, upon such plea if the facts found by the court would justify a finding of guilt, without
445 entering a judgment of guilt and with the consent of the accused, may defer further proceedings and
446 place him on probation upon terms and conditions.

447 As a term or condition, the court shall require the accused to be evaluated and enter a treatment
448 and/or education program, if available, such as, in the opinion of the court, may be best suited to the
449 needs of the accused. This program may be located in the judicial district in which the charge is brought
450 or in any other judicial district as the court may provide. The services shall be provided by a ~~program~~
451 ~~certified or licensed by the Department of Mental Health, Mental Retardation and Substance Abuse~~
452 ~~Services~~ *certified substance abuse counselor as defined in § 54.1-3500.*

453 The court shall require the person entering such program under the provisions of this section to pay
454 all or part of the costs of the program, including the costs of the screening, evaluation, testing, and
455 treatment, based upon the accused's ability to pay unless the person is determined by the court to be
456 indigent.

457 As a condition of probation, the court shall require the accused *(i) to successfully complete the*
458 *treatment and/or education program and (ii) to remain drug free during the period of probation and*
459 *submit to such tests during that period as may be necessary and appropriate to determine if the accused*
460 *is drug free. Such testing may be conducted by personnel of any program to which the person is*
461 *referred or by the supervising agency.*

462 The court shall, unless done at arrest, order the accused to report to the original arresting
463 law-enforcement agency to submit to fingerprinting.

464 Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as
465 otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person
466 and dismiss the proceedings against him. Discharge and dismissal under this section shall be without
467 adjudication of guilt and is a conviction only for the purposes of applying this section in subsequent
468 proceedings.

469 Notwithstanding any other provision of this section, whenever a court places an individual on
470 probation upon terms and conditions pursuant to this section, such action shall be treated as a conviction
471 for purposes of §§ 18.2-259.1 and 46.2-390.1, and the driver's license forfeiture provisions of those
472 sections shall be imposed. The provisions of this paragraph shall not be applicable to any offense for
473 which a juvenile has had his license suspended or denied pursuant to § 16.1-278.9 for the same offense.

474 § 18.2-251.01. Substance abuse screening and assessment for felony convictions.

475 A. When a person is convicted of a felony, not a capital offense, committed on or after July 1, 1999,
476 he shall be required, as a part of any presentence investigation conducted pursuant to subsection D of
477 § 19.2-299, to undergo a substance abuse screening and assessment. If the person is determined to have
478 a substance abuse problem, the court shall require him to enter a treatment and/or education program,
479 if available, which, in the opinion of the court, is best suited to the needs of the person. This program
480 may be located in the judicial district in which the conviction was had or in any other judicial district
481 as the court may provide. The treatment and/or education program services shall be provided by a
482 certified substance abuse counselor as defined in § 54.1-3500. The court shall require the person
483 entering such program under the provisions of this section to pay all or part of the costs of the
484 program, including the costs of the screening, assessment and treatment, based upon the person's ability
485 to pay.

486 B. As a condition of any sentence to probation, community corrections or incarceration, the person
487 shall be required to undergo periodic testing and treatment for substance abuse appropriate to his
488 substance abuse assessment.

489 § 18.2-251.02. Drug Offender Assessment Fund.

490 There is hereby established in the State Treasury a Drug Offender Assessment Fund which shall

consist of moneys received from fees imposed on certain drug offense convictions as defined in subsections 15 and 16 of § 14.1-112. All interest derived from the deposit and investment of moneys in the Fund shall be credited to the Fund. Any moneys not appropriated by the General Assembly shall remain in the Drug Offender Assessment Fund and shall not be transferred or revert to the general fund at the end of any fiscal year. All moneys in the Fund shall be subject to annual appropriation by the General Assembly to the Department of Corrections and the Department of Juvenile Justice to implement and operate the offender substance abuse screening and assessment program.

§ 18.2-252. Suspended sentence conditioned upon submission to periodic medical examinations and tests.

Notwithstanding any other provision of law to the contrary, the trial judge or court trying the case of any person found guilty of violating any law concerning the use, in any manner, of drugs, controlled substances, narcotics, marijuana, noxious chemical substances and like substances, may condition any suspended sentence by first requiring such person to agree to undergo periodic medical examinations and tests to ascertain any use or dependency on the substances listed above and like substances. The frequency and completeness of such examinations and tests shall be in the discretion of such judge or court, and the results of the examinations and tests given to the judge or court as ordered. The cost of such examinations and tests ordered by the court in addition to any screening and assessment ordered pursuant to § 18.2-251.01 shall be paid by the Commonwealth and taxed as a part of the costs of such criminal proceedings. The judge or court, in his or its discretion, may enter such additional orders as may be required to aid in the rehabilitation of such convicted person.

§ 18.2-271.3. Alcohol and substance abuse screening and assessment for designated Class 1 misdemeanor convictions.

A. When a person is convicted of any Class 1 misdemeanor offense involving drugs or alcohol, except for any conviction under § 18.2-266, the court shall order the person to undergo a substance abuse screening and assessment to be conducted by the drug education and intervention unit of the local alcohol safety action program. The court may order such screening and assessment on its own motion upon a conviction of a non-drug- or non-alcohol-related Class 1 misdemeanor if the court has reason to believe the defendant has a substance abuse problem.

The alcohol safety action program may charge a fee or no more than \$150 for the screening and assessment. If a substance abuse problem is identified, the person shall be required to complete the drug education and intervention component of the alcohol safety action program for which the local alcohol safety action program may charge a fee of no more than \$300. The court shall require the person to pay all or part of the costs of the program, including the costs of the screening, assessment, education and intervention, based upon the person's ability to pay.

§ 19.2-299. Investigations and reports by probation officers in certain cases.

A. When a person is tried in a circuit court upon a felony charge or upon a charge of assault and battery in violation of §§ 18.2-57, 18.2-57.1 or § 18.2-57.2, stalking in violation of § 18.2-60.3, sexual battery in violation of § 18.2-67.4, attempted sexual battery in violation of § 18.2-67.5, or maiming or driving while intoxicated in violation of § 18.2-51.4 or § 18.2-266, and is adjudged guilty of such charge, the court may, or on the motion of the defendant shall, before imposing sentence, direct a probation officer of such court to thoroughly investigate and report upon the history of the accused, including a report of the accused's criminal record as an adult and available juvenile court records, and all other relevant facts, to fully advise the court so the court may determine the appropriate sentence to be imposed. The probation officer, after having furnished a copy of this report at least five days prior to sentencing to counsel for the accused and the attorney for the Commonwealth for their permanent use, shall submit his report in advance of the sentencing hearing to the judge in chambers, who shall keep such report confidential. The probation officer shall be available to testify from this report in open court in the presence of the accused, who shall have been advised of its contents and be given the right to cross-examine the investigating officer as to any matter contained therein and to present any additional facts bearing upon the matter. The report of the investigating officer shall at all times be kept confidential by each recipient, and shall be filed as a part of the record in the case. Any report so filed shall be sealed upon the entry of the sentencing order by the court and made available only by court order, except that such reports or copies thereof shall be available at any time to any criminal justice agency, as defined in § 9-169, of this or any other state or of the United States; and to any agency where the accused is referred for treatment by the court or by probation and parole services, and shall be made available to counsel for any person who has been indicted jointly for the same felony as the person subject to the report. Any report prepared pursuant to the provisions hereof shall without court order be made available to counsel for the person who is the subject of the report if that person is charged with a felony subsequent to the time of the preparation of the report. The presentence report shall be in a form prescribed by the Department of Corrections. In all cases where such report is not

552 ordered, a simplified report shall be prepared on a form prescribed by the Department of Corrections.

553 B. As a part of any presentence investigation conducted pursuant to subsection A when the offense
554 for which the defendant was convicted was a felony, the court probation officer shall advise any victim
555 of such offense in writing that he may submit to the Virginia Parole Board a written request (i) to be
556 given the opportunity to submit to the Board a written statement in advance of any parole hearing
557 describing the impact of the offense upon him and his opinion regarding the defendant's release and (ii)
558 to receive copies of such other notifications pertaining to the defendant as the Board may provide
559 pursuant to subsection B of § 53.1-155.

560 C. As part of any presentence investigation conducted pursuant to subsection A when the offense for
561 which the defendant was convicted was a felony drug offense set forth in Article 1 (§ 18.2-247 et seq.)
562 of Chapter 7 of Title 18.2, the presentence report shall include any known association of the defendant
563 with illicit drug operations or markets.

564 D. As a part of any presentence investigation conducted pursuant to subsection A, when the offense
565 for which the defendant was convicted was a felony, not a capital offense, committed on or after July 1,
566 1999, the defendant shall be required to undergo a substance abuse screening and assessment for
567 further referral, if any, in accordance with § 18.2-251.01.

568 **2. That the provisions of this act amending §§ 18.2-251, 18.2-271.1 and 19.2-299 shall become**
569 **effective July 1, 1999.**

570 **3. That the provisions of § 18.2-271.3 shall become effective October 1, 1998.**

571 **4. That an implementation workgroup is established to include the Directors or Commissioners of**
572 **the Department of Corrections; Department of Criminal Justice Services; Department of Juvenile**
573 **Justice; Department of Mental Health, Mental Retardation and Substance Abuse Services; the**
574 **Sentencing Commission; and the Virginia Alcohol Safety Action Program. The Sentencing**
575 **Commission will serve as the lead agency. An advisory group will also be established to include**
576 **representation from a local community services board, a probation and parole district office, a**
577 **local alcohol safety action program, a local community corrections program, and a private**
578 **treatment provider to be appointed by the implementation workgroup. The implementation**
579 **workgroup will develop a plan which includes (i) a revised pre-sentence investigation report which**
580 **includes a substance abuse screening and assessment component, (ii) an analysis of current and**
581 **optimum substance abuse treatment continuums, (iii) recommendations for a graduated**
582 **sanctioning system for probation/parole violations related to substance abuse, and (iv) substance**
583 **abuse treatment outcome measures. The implementation workgroup shall report its plan to the**
584 **Virginia State Crime Commission, House Courts of Justice, Senate Courts of Justice, House**
585 **Appropriations Committee, and Senate Finance Committee by January 1, 1999.**