

**VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF BUCKINGHAM**

**IN RE: COURT COSTS, FINES AND RESTITUTION POLICY AND PROCEDURES**

**ORDER**

When an individual is convicted of a felony or misdemeanor in the Buckingham County Circuit Court, court-imposed fines, costs, and/or restitution will be assessed against the Defendant who may be required to pay in deferred payments, installments, or otherwise ordered by the Court pursuant to Virginia Code Section §19.2-354, as amended. If restitution is included in assessed costs, restitution will be incorporated in these stated guidelines. **All payments received will be applied to restitution first**, and then remaining payments received will be applied to court costs and fines.

Community service **must be reviewed** by the Commonwealth Attorney and pre-arranged and approved by the Court to be converted as payment for court costs and fines. The Defendant may petition the Court to present a plan for community service to be applied towards payment of fines and costs. A petition will **not be** considered unless a specific plan is made a part of the filing. The Court may allow community service work as an option to defray fines and costs, especially when the Defendant is indigent or otherwise unable to make substantial meaningful payments. Incarcerated Defendants working in programs in compliance with Virginia Code Sections 19.2-316.4, 53.1-60, 53.1-128, 53.1-129, or 53.1-131 are eligible. Work performed by Incarcerated Defendants for which any monetary or other significant compensation is received by or credited to the Defendant shall not qualify as community service. Any portion of the community service completed will be credited to the Defendant's obligations at the current rate of the hourly minimum wage then in effect. Community service shall not be credited against any amount owed as restitution or any collection fee required. Community service **must** be pre-arranged with the organization **and** pre-approved by the Court on forms to be provided by the Clerk's office. The community service, if approved by the Court, must be performed at a 501(c)(3) organization or political subdivision of the Commonwealth of Virginia.

In accordance with Code Section 19.2-349, failure to pay fines/restitution or entering into and staying current on a payment agreement will incur a 17% penalty "to help offset the costs associated with employing such individuals or contracting with such agencies or individuals" assisting in collection. **Neither the Court nor the Clerk can remove, reduce, or alter this fee.** Any other terms set forth in these guidelines are subject to the Clerk's or Judge's discretion.

**If a defendant informs the Court that his/her sole financial resource is a Social Security benefit or Supplemental Security Income, then he/she is NOT required to pay until he/she has another resource or income. As long as their sole income remains unchanged, their account will not go to collections. Any court-ordered restitution is NOT included in this exemption of payment and is due as the court has ordered.**

A defendant shall not be required to make a down payment upon entering a deferred or installment payment agreement pursuant to Virginia Code Section §19.2-354.1, as amended. A defendant who has defaulted on a payment agreement may enter into a subsequent payment plan where the defendant will be required to make a down payment not to exceed (i) if the fines and costs owed are \$500.00 or less, 10% of such amount, or (ii) if the fines and costs owed are more than \$500.00, 5% of such amount or \$50.00, whichever is greater. The required payments are at the discretion of the Clerk based upon the financial conditions of the Defendant and their previous payment history.

Payments by check, credit or debit cards will be accepted at the discretion of the Clerk and in compliance with Code Section §19.2-353.3, as amended. All checks, credit or debit cards tendered that are dishonored for insufficient funds may be assessed a fee of \$50.00 or 10%, whichever is greater, based on the payment amount.

Unsatisfied/unpaid costs, fines, and/or restitution will be administered pursuant to Code Section §19.2-349 to be reported to collections and interest may begin accruing on the unpaid balance. Pursuant to Code Section §19.2-353.5, as amended, no interest shall accrue on any fine or costs imposed (i) for a period of 180 days following the date of the final judgment imposing such fine or costs; (ii) during any period the defendant is incarcerated; and (iii) 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. A person who owes fines and costs on which interest has accrued during a period of incarceration may move the Court to waive the interest that accrued on such fines and costs during such period of incarceration. Whenever interest on any unpaid fine or costs accrues, it shall accrue at the judgment rate of interest set forth in Section §6.2-302.

The Defendant must promptly inform the court of any changes of mailing address during the term of the payment agreement. The Clerk shall be able to administratively amend any payment plan in the event additional costs should be assessed and/or the financial conditions of the Defendant changes.

ENTER this 1<sup>st</sup> day of **July, 2024**.



Donald C. Blessing, Chief Judge

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CRIMINAL ORDER BOOK INST. # CRB 202410