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F. PATRICK YEATTS, JUDGE

J. FREDERICK WATSON, JUDGE

Payment Plan Guidelines and Procedures for Fines, Costs and Restitution

Effective July 1, 2019

Pursuant to Virginia Code 19.2-349, 19.2-354 and 19.2-354.1

Fines and Costs are assessed against individuals convicted of a felony, misdemeanor or traffic infraction. Restitution may be assessed against individuals convicted of a felony, misdemeanor or traffic infraction. All Fines, Costs and Restitution are due within 30 days of sentencing. If you are unable to pay in full within 30 days of sentencing or have been sentenced to a period of incarceration, you must enter into a Payment Plan agreement approved by the Court. Judgment will be entered against the defendant for the amount of any outstanding Fines and Costs not paid by the Due Date. Interest will accrue on the balance Due Date as to any outstanding Fines and Costs not timely paid. Judgments are docketed in the Judgment Lien Docket Book in the Clerk's Office.

PAYMENT PLAN AGREEMENT OPTIONS:

Fines, Court Costs and Penalties

A Payment Plan Agreement must be completed in the Clerk's Office after sentencing for all Fines and Costs not paid in full within 30 days of sentencing. If full payment is made on the date of sentencing, no judgment will be entered. If not paid in full, a Payment Plan Agreement can be set up with an initial minimum payment of \$35.00 (or an amount set by the Court) to be made in monthly or periodic installments until paid in full. The following Payment Plan Agreement options are available, and these options require you to submit a Financial Statement using form DC333 which must be filed with the Court.

- **Installment Payment Agreement** – A Payment Agreement in which the defendant agrees to make monthly or other periodic payments until the Fines and Costs are paid in full. Fines and Costs must be paid per the terms of the Installment Payment Agreement or penalties will be assessed.
- **Deferred Payment Agreement** – A Payment Agreement in which the defendant agrees to pay the full amount of the Fines and Costs at the end of a stated term and no installment payments are required. **This option must be ordered by the Court.** Fines and Costs must be paid in full by the Deferred Payment Agreement due date or penalties will be assessed.
- **Modified Deferred Payment Agreement** – A Deferred Payment Agreement in which the defendant also agrees to use best efforts to make monthly or other periodic payments. **This option must be ordered by the Court.** Fines and Costs must be paid in full by the Modified Deferred Payment Agreement due date or penalties will be assessed.

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Restitution owed to a Victim

When Restitution, in addition to Fines and Costs, has been ordered by this Court, a Restitution Plan Agreement must be submitted to the Court no later than the day of your sentencing. **The Restitution Plan Agreement must be approved by the Court.** Restitution payments must be received by the Restitution Plan Agreement due date, regardless of whether Restitution is ordered to be paid to the Court in monthly installments or deferred to a specific date. If you miss a monthly installment, or if payment is not received by the due date, penalties will be assessed and could be a violation of your probation and/or suspended sentence. All Court ordered Restitution is accepted and receipted in the Lynchburg Circuit Court Clerk's Office.

Community Service

Community Service may be available to defray Fines and Costs if approved and ordered by the Court. Community Service cannot be used to defray Restitution, interest which has accrued on Restitution or any other collection fees imposed. Community Service must be performed for local non-profit organizations unless otherwise approved by the Court. The rate at which credits are earned is \$10.00 per hour. The manner of applying earned credits against the Fines and Costs is; A) Costs shall be satisfied first, and then Fines. B) In cases of multiple charges occurring on different dates the credits will be applied to the charges in chronological order. It shall be the responsibility of the defendant to have a written statement, signed by a representative of the non-profit organization on the organization's letterhead, submitted to the Court on or before the due date.

PENALTIES

Individuals who do not timely pay Fines, Costs, Penalties and/or Restitution when due may be subject to the following:

- Unpaid Fines, Costs and/or Restitution are reported to the Lynchburg Commonwealth Attorney's Office and the Department of Taxation for Set-off Debit Collection. Collection methods may include but are not limited to, tax refunds and lottery proceeds.
- Interest will be assessed on unpaid Fines and Costs.
- You may be held in Contempt of Court, which may result in additional fines and/or incarceration. In addition, any suspended sentence may be revoked.

F. Patrick Yeatts, Judge
J. Frederick Watson, Judge