



JUDGES:
Tonya Henderson-Stith
Albert W. Patrick, III
Corry N. Smith

COMMONWEALTH OF VIRGINIA

Hampton General District Court

Eighth Judicial District
236 N. King Street, 2nd Floor
Hampton, Virginia 23669-3518
(757) 727-6260



CLERK:
Barbara K. Fagley

REQUIREMENTS FOR THE COLLECTION OF COURT ORDERED FINES, COSTS, FORFEITURES, PENALTIES OR RESTITUTION IN INSTALLMENTS OR UPON OTHER TERMS AND CONDITIONS.

FINES AND COSTS DUE WHEN IMPOSED UNLESS OTHERWISE AUTHORIZED BY COURT

If a defendant, convicted of a traffic infraction or a violation of any criminal law of the Commonwealth is sentenced to pay a fine, restitution, forfeiture or penalty and the defendant is unable to make payment of the fine, restitution, forfeiture, or penalty and costs within 30 days of sentencing, the court shall order the defendant to pay such fine, restitution, forfeiture or penalty and any costs which the defendant may be required to pay in deferred payments or installments. If the defendant is unable to make payment within 90 days of sentencing, the court will assess a one-time fee of \$10 to manage the defendant's account.

MAILING ADDRESS REQUIREMENT

As a condition of every agreement, a defendant who enters into an installment or deferred payment agreement shall promptly inform the court of any change of mailing address during the term of the agreement.

FORMS OF PAYMENT

Visa, Discover, and MasterCard charges are accepted via telephone for payments in full. A convenience fee of (4%) will apply for all credit card transactions. Full and partial payments may be made by credit card, money order or check in the clerk's office, online at www.courts.state.va.us, and by mail. The clerk's office address is 236 N. King Street 2nd Floor, Hampton, Virginia 23669-3518. Please list your case number(s) with all mailed payments. Checks and money orders must be made payable to Hampton General District Court. Personal checks will not be accepted on subsequent (restored) agreements if the defendant's license is in suspended or revoked status.

FAILURE TO ENTER INTO A DEFERRED PAYMENT OR INSTALLMENT AGREEMENT

If the defendant fails to pay a fine, restitution, forfeiture or penalty or refuses to enter into a deferred payment or installment agreement as ordered by the court within 30 days of date of the conviction, the court shall forthwith suspend the person's privilege to drive a motor vehicle on the highways in the Commonwealth. The driver's license of the person shall continue suspended until the fine, costs, forfeiture, restitution, or penalty has been paid in full. However, if the defendant, after having his license suspended, pays the reinstatement fee to the Department of Motor Vehicles and enters into an agreement under §19.2-354 that is acceptable to the court to make deferred payments or installment payments of unpaid fines, costs, forfeitures, restitution, or penalties as

ordered by the court, the defendant's driver's license shall thereby be restored. The failure of the defendant to enter into a deferred payment or installment payment agreement with the court or the failure of the defendant to make payments as ordered by the agreement shall allow the Tax Commissioner to act in accordance with §19.2-349 to collect all fines, costs, forfeitures and penalties.

DEFERRED, MODIFIED DEFERRED OR INSTALLMENT PAYMENT AGREEMENTS

If a defendant is unable to pay fines and costs within 30 days of conviction, the defendant may enter into the following payment agreements:

1. Deferred Payment Agreement – agreement in which the defendant agrees to pay the full amount of the fines and cost at the end of its stated term and no installment payments are required.
2. Installment Payment Agreement – agreement in which the defendant agrees to make monthly or other periodic payments until the fines and costs are paid in full.
3. Modified Deferred Payment Agreement – agreement in which the defendant agrees to use best efforts to make monthly or other periodic payments.

MODIFICATION OF EXISTING AGREEMENT

At any time during the duration of a payment agreement, the defendant may request a modification of the agreement by completing and filing form DC-211 with the court. The court may grant such modification based on a good faith showing of need.

MONTHLY AND/OR PERIODIC PAYMENTS

1. If the total amount owed is \$500.00 or less, defendant must pay in full in 6 months.
2. If the total amount owed is \$501.00 - \$1000.00, defendant must pay in full in 12 months.
3. If the total amount owed is \$1001.00 - \$1500.00, defendant must pay in full in 18 months.
4. If the total amount owed is \$1501.00 - \$2000.00, defendant must pay in full in 24 months.
5. If the total amount exceeds \$2000.00, defendant must pay at least \$1000.00 in 12 months with additional payments of \$1000.00 each 12 months period thereafter until paid in full.

EXCEPTION TO THE MONTHLY/PERIODIC PAYMENTS

If a defendant is unable to pay the monthly/periodic payment as determined by the court, the defendant may request that the court modify the monthly/periodic payments. Defendants must submit information regarding their financial resources, financial obligations, and fines and costs due to other courts for consideration.

DEFAULT ON PAYMENT AGREEMENT

If a defendant fails to pay as ordered:

1. The defendant may be fined or imprisoned pursuant to § 19.2-358 and his privilege to operate a motor vehicle will be suspended pursuant to § 46.2-395.
2. If the defendant has signed more than one agreement, all accounts will default and the total amount owed to this court will be due in full.
3. The case(s) will be referred to a collection agent for collection. Cases referred to the collection agent are subject to a lien against the defendant's wages or property.
4. The case(s) will be referred to the Department of Taxation to be held against any refund the defendant may be entitled to from the Commonwealth of Virginia, if not already referred prior to the payment agreement.

ENTRY INTO A SUBSEQUENT PAYMENT AGREEMENT AFTER DEFAULT ON PAYMENT AGREEMENT (DOWN PAYMENT REQUIRED)

A defendant who has defaulted on a payment agreement may request to enter into a subsequent payment agreement by completing the following:

1. Complete the Petition for Payment Agreement on form DC-211.
2. Complete the following information on the DC-211 for consideration:
 - Defendant's name, address, and social security number, and phone number.
 - Information or explanation regarding defendant's financial resources, financial obligations, and change in circumstances to warrant re-entry into a subsequent agreement.
 - Case numbers.
3. Submit a current Compliance Summary from Virginia Department of Motor Vehicles.
4. **REQUIRED DOWN PAYMENT:** If the fines and costs are \$500 or less, the required down payment is 10%. If the fines and costs are more than \$500.00, the required down payment is 5% of the amount owed or \$50.00 whichever is greater. Down payments are due immediately upon approval of the subsequent agreement.
5. The defendant must contact the court for its decision.



Tonya Henderson-Stith, Chief Judge

Effective Date: July 1, 2017