

Newport News General District Court Court Payment Agreement for the Collection of Fines and Costs

Pursuant to Virginia Code §19.2-354 and Rule 1:24 of the Virginia Supreme Court a Defendant convicted of a criminal or traffic offense who has fines and costs imposed by the Court but is unable to pay in full within thirty (30) days of sentencing shall be given written notice that there are three (3) payment agreements offered by the Court.

1. **Installment Payment Agreement:** A Defendant may make monthly payments on a schedule until the full amount is paid by the date specified by the Court.
2. **Deferred Payment Agreement:** A Defendant may pay the full amount by a later date specified by the Court.
3. **Modified Deferred Payment Agreement:** A Defendant may make periodic payments until the full amount is paid by a later date specified by the Court.

The Court will take into account the Defendant's financial resources and obligations or indigent status by using a form provided by the Executive Secretary of the Supreme Court or by a colloquy with the Defendant, using Form DC-210, in determining the amount and length of time to pay. The following guidelines will apply:

- If the total due is \$499 or less the time to pay period is three (3) months;
- If the total due is \$500 - \$999 the time to pay period is six (6) months;
- If the total due is \$1,000 - \$2,999 the time to pay period is twelve (12) months;
- If the total due is \$3,000 - \$3,999 the time to pay period is eighteen (18) months;
- If the total due is \$4,000 - \$4,999 the time to pay period is twenty four (24) months;
- If the total due is \$5,000 or more the time to pay period is thirty six (36) months.

The Defendant may petition the Court for an exception to these guidelines.

The Defendant is required to make a down payment. If the fines and costs owed are five hundred dollars (\$500.00) or less the Defendant shall make a down payment equal to ten percent (10%) of the amount owed. If the fines and costs owed are greater than five hundred dollars (\$500.00) the Defendant shall make a down payment of fifty dollars (\$50.00) or an amount equal to five percent (5%) of the amount owed, whichever is greater. If the Defendant is unable to make payment in full within 90 days of sentencing, the Defendant will be required to pay a ten dollar (\$10.00) one-time fee for management of the Defendant's account.

If a Defendant has fines and cost payable for more than one case, each case will be listed separately from earliest to latest in time and payments will be applied in that order. Payment within ten (10) days of the due date will be considered timely. This policy also applies to Defendant's tried in their absence. The trial in absence fee will be waived if the fines and costs are paid on or before the trial date. This policy does NOT apply to court ordered payments of restitution.

The Court requires the Defendant to bring an official Department of Motor Vehicle compliance summary to help it assess the total number of courts and amount of fines and costs if the Defendant is seeking restoration of driving privileges.

A Defendant may request additional time to pay if the initial length of time to pay is insufficient. A request for modification of an existing payment agreement shall be in writing. A clerk or supervising clerk may grant an extension. In granting the extension, the clerk will take into account the Defendant's financial resources and obligations or indigent status by using a form provided by the Executive Secretary of the Supreme Court or by a colloquy with the Defendant, using Form DC-210, in determining the extension.

Community service work is not available as an option to defray fines and costs. A Defendant who defaults on the initial payment agreement shall have the opportunity to request that the court enter into a subsequent payment agreement. The Court shall take into consideration the Defendant's change in circumstances in approving the request. The Defendant is required to make a down payment for a subsequent payment agreement. If the fines and costs owed are five hundred dollars (\$500.00) or less the Defendant shall make a down payment equal to ten percent (10%) of the amount owed. If the fines and costs owed are greater than five hundred dollars (\$500.00) the Defendant shall make a down payment of fifty dollars (\$50.00) or an amount equal to five percent (5%) of the amount owed, whichever is greater.